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57TH CONGRESS, }  
1st Session. }

SENATE.

} DOCUMENT  
No. 223.

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## HEARINGS ON HOUSE BILL 9206

RELATING TO

## OLEOMARGARINE AND OTHER IMITATION DAIRY PRODUCTS.

MARCH 1, 1902.—Ordered to be printed as a document.

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HEARINGS ON HOUSE BILL 9206, RELATING TO OLEOMARGARINE AND OTHER IMITATION DAIRY PRODUCTS.

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COMMITTEE ON AGRICULTURE, UNITED STATES SENATE,  
*Washington, D. C., February 17, 1902.*

The Committee met at 10.30 a. m.

Present: Senators Proctor (chairman), Hansbrough, Warren, Doliver, Foster, Quarles, and Heitfeld; also Messrs. William M. Springer and Charles Knight.

**STATEMENT OF WILLIAM M. SPRINGER.**

Mr. SPRINGER. Mr. Chairman and gentlemen, I had supposed that the committee would not take up the consideration of this bill for several days. I knew that you were busy on other matters of perhaps equally great importance.

The CHAIRMAN. I do not know why you should have thought that, because we are very busy. That is one of the reasons why we should consider it. I am on a committee that will meet every day for the next six or eight weeks, probably, and we want to get this matter out of the way.

Mr. SPRINGER. I do not myself represent all of the interests that desire to be heard on this bill. It was known in advance that the House would pass this bill, but several interests concluded that they would not make any fight there, but reserve their time for the measure when it reached the Senate, knowing that in the Senate, as a deliberative body, there would be a full and free argument upon the matter, and that the friends and opponents of the bill could be heard at length in this body, and, therefore, they preferred to make their arguments before this committee, where they would be most likely to have a full and free discussion.

This bill, as it stands to-day, has never heretofore been before this committee. It is very different from the measure that passed at the last Congress. For this reason I desired to call the attention of the committee to the pending bill and ask for some special consideration of the new features it presents. Before doing that I had desired to ask this committee to obtain some information from the Census Bureau, which can only be obtained by a resolution of the Senate; as it would perhaps interfere with the ordinary routine of business in the Census Office, and the Census Office would not probably compile it at the instance of a private individual, or even perhaps

at the request of the committee itself. One of the resolutions which I desired to suggest is as follows:

*Resolved*, That the Director of the Census be requested to furnish the Senate with a statement showing the quantity, quality, and value of butter produced in the several States and Territories of the United States during the census year 1900. Also a statement showing the quantity and value of renovated or process butter produced in each State and Territory during the census year, and the number and location of establishments in which process or renovated butter was made, and the quantity and value produced in each establishment.

Senator HEITFELD. Do they keep those separate, the process and dairy butter?

Mr. SPRINGER. The Census Office, in taking the census of business, always applies to the manufacturer to know what he is doing, the nature of his business, the amount of capital stock, the number of laborers and the materials that he uses, and the amount of his output. That has been in all of the reports heretofore with regard to manufacture.

Senator HEITFELD. Do they keep the renovated butter separate from the dairy butter that they send out?

Mr. SPRINGER. I suppose they do, but if the Census Office does not do it I can simply answer that it has not. I have observed that heretofore in taking the census as to manufactures, there was a statement as to the kind of articles manufactured, what the output was, the value of the output, the number of persons employed, the capital engaged, and the ingredients used. You will find in the report on manufactures by the census previously every detail showing every pound of material that went into the gross product.

Senator HEITFIELD. Showing that they went into details?

Mr. SPRINGER. Yes, sir. The work of the Census Office in that regard is the most exhaustive of any in the world. I have been informed, although I do not know, that there are between four hundred and five hundred places in the United States where what is known as renovated butter is made, and that those places have a very large output. Those engaged in that business are somewhat surprised, I understand, at this legislation, which is contained in section 4 of the pending bill, to which I desire to call your attention.

Senator WARREN. I do not see that there is any prohibition as to the coloring of renovated butter in the semblance of good butter.

Mr. SPRINGER. None at all.

Senator QUARLES. Did you not make an argument at one time against this bill on the ground that it ought legitimately, as a matter of law, to be referred to the police power of the State?

Mr. SPRINGER. I think not. No, sir.

Senator QUARLES. I thought you questioned the power of Congress to pass this oleomargarine bill on the ground that it legitimately belonged to the police power of the State?

Mr. SPRINGER. No; that is a mistake. The first section of this bill—if you will pardon me—provides that oleomargarine when transported into any State or Territory, or the District of Columbia, and remaining there for use, sale, or storage, shall upon its arrival therein be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent as though produced therein. This is for the purpose of doing away with the operation of the decision of the Supreme Court in what is known as the original-package suit.

The court held in that case (*Leisg v. Hardin*, 135 U. S., 100) that the importer had the right to sell in a State into which he brought the article from another State in the original package, even if it was against the local law to sell it. In that case there was a carload of beer shipped into the State of Iowa in kegs, and it was sold there by the consignee to various dealers. They were prosecuted and the case went to the Supreme Court of the United States, and it was held that although the local law prohibited the sale of beer, the consignee could sell it in the original package.

Senator QUARLES. You do not apprehend the point I desire to make, and I do not know that I should interrupt you —

Mr. SPRINGER. I am very glad to have you do so.

Senator QUARLES. The point that I desired to bring out was this: If I have been correctly advised, you objected to the whole scheme of this legislation on the ground that it was not a legitimate exercise of the Federal power, and ought to have been relegated to the police power of the State. I was going to call your attention to the fact that this renovated-butter amendment is amenable to that same objection, which is that it is no legitimate part of a taxing measure.

Mr. SPRINGER. I have not taken that position. I took the position that an article of interstate commerce was not subject to the police powers of the State, except in so far as reasonable inspection was concerned, and that that inspection could only go to the extent of determining whether it was a wholesome product or not. If it were, the State could not prohibit its introduction and sale in the original package. In other words, that it could not interfere with interstate commerce.

So far as section 4 is concerned.—reverting to that—that puts renovated butter precisely on the same basis that our meat products are now placed. The reference in this section is to an inspection such as is made by the Agricultural Department in regard to meats. Section 4 is as follows:

That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words, "Renovated butter," shall be printed on all packages thereof in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect. And no renovated butter shall be shipped or transported from one State to another or to foreign countries, unless inspected as provided in this section.

That is not a taxing power, but simply a provision for the purpose of preventing the movement, as an article of commerce, of this article known as renovated butter, unless it has been inspected.

Senator QUARLES. Are you in favor of that measure?

Mr. SPRINGER. I am in favor of that section of it.

Senator HEITFELD. Can it be enforced?

Mr. SPRINGER. It can be enforced the same as the meat inspection is enforced.

Senator HEITFELD. Is it true that we can enforce it?

Mr. SPRINGER. Yes, sir; I think so.

Senator HEITFELD. Is it not true that that means such meat as the owner of it may select or designate?

Mr. SPRINGER. No, sir. If you call on the Secretary of Agriculture he will tell you that the meat industry has, by reason of our inspection, gotten to be a great industry, and the inspection has given character and standing abroad to all the meat produced.

Senator HEITFELD. What I am trying to ascertain is this: Suppose the owner of one of those renovated-butter factories should refuse the inspector admission to the factory, could he nevertheless force his way in and inspect this butter? If I understood Mr. Knight correctly, on Saturday, I think he held that it depends greatly upon the wishes of the gentlemen who manufacture the article.

Senator QUARLES. As an experienced and able lawyer, you can of course tell us to what clause of the Constitution that power is referable as a Federal power.

Mr. SPRINGER. The clause relating to interstate commerce. The law we now have is for the purpose of requiring the inspection of meats which may become articles of commerce.

Senator QUARLES. But this renovated butter is a State affair?

Mr. SPRINGER. So is meat a State affair; in Chicago, for instance. It is inspected in Chicago, and it can not be moved away from the city of Chicago or enter another State unless it has been inspected by the Secretary of Agriculture. It is simply that provision which authorizes Congress to provide that articles that pass between the States and go to foreign countries must be subject to that inspection for the protection of the public generally and for the benefit of our products abroad as well as at home.

Senator QUARLES. The point I wanted to suggest was as to the distinction between a factory in Illinois, carried on by a corporation organized under the Illinois law, and meat shipped into Chicago from Kansas City, or some other point, which has already become an item of interstate commerce. Now, is there not a marked distinction in the law between those two, the one relating to a factory organized and conducted under State law and the other to an inspection of an article that has already become an item of interstate commerce?

Mr. SPRINGER. There is a distinction, and a very important one, and that is just one of the reasons why I desired to invite the attention of this committee to this particular section of this bill. I think the legislation is of the utmost importance. If there is any doubt in the minds of Senators as to whether this inspection can be made effective, all you have to do is to subject it to the same tax that oleomargarine is subjected to in this bill, one-fourth of 1 cent a pound.

Senator QUARLES. That would bring it naturally within the purview of the revenue measure?

Mr. SPRINGER. Yes; and if you will add a clause that all renovated butter shall pay a tax as great as oleomargarine, and be subject to all laws relating to that article, you will remove that objection entirely from this bill, and I think, as a matter of precaution—if you desire to retain this legislation, and I insist that it should be retained—that that would be a very wise thing to do, namely, to add a clause to that section providing that such products shall be subject to the same tax and to all the regulations and provisions of the law that oleomargarine is subjected to.



Senator WARREN. Including the 10 cents a pound tax?

Mr. SPRINGER. No; I mean the uncolored oleomargarine; not the 10 cents a pound.

Senator WARREN. That would knock off the profits.

Mr. SPRINGER. Yes, sir; to some extent.

Senator HEITFELD. The one-fourth of 1 cent on the oleomargarine or the butter pays for the inspection.

Mr. SPRINGER. Well, 2 cents a pound has brought to the Government about \$2,500,000 a year, which is more than is necessary to enforce the oleomargarine law. I am satisfied that the Secretary will indorse that statement. That would reduce it to, say, six or seven hundred thousand dollars a year.

Senator HEITFELD. It will be less than that—one-quarter of 1 cent.

Mr. SPRINGER. Yes; it would be less. I do not believe that would pay the expenses. In connection with the other machinery of the Department, the expense is not so great as if you had to establish a complete department for that purpose. It can be done much cheaper, of course, with the machinery already in force, and, so far as the amount is concerned, I have no objection to the committee fixing it at whatever you think best. If there is anything that ought to be taxed out of existence it is renovated butter. If you are trying to tax it out of existence, or make it more difficult to reach the consumer, the more tax you put on it the nearer you would come to accomplishing that end.

It is not necessary for me to call your attention to process butter. You probably have all heard enough about that, and know what it is. It is the remnants and odds and ends of rancid butter gathered up from all parts of the country and dumped into the factories, and washed over and boiled over, and some new milk put into it, so that it looks clean and beautiful when it comes out. It is sold in a great many places for creamery butter, and when one goes to a butter store to buy butter he does not know whether he is buying renovated butter or pure butter. You have no means of knowing. They have precisely the same color, and they taste and look the same for a short time. Hence, if you are trying to suppress frauds and imitations of the genuine article, here is the place to exercise the power of legislation for that purpose.

Senator HANSBROUGH. Is renovated butter a competitor of oleomargarine?

Mr. SPRINGER. I think it is the only competitor in the butter business.

Senator HANSBROUGH. Do I understand that you claim that notwithstanding renovated butter is bad, it is the only competitor of oleomargarine?

Mr. SPRINGER. I think it is substantially the only competitor. The other butter—creamery butter—sells for 35 cents a pound at retail. I am assuming that the person knows what he is buying when he buys it when I make the statement that it is the only competitor. I know that a great many butter dealers, perhaps, would sell renovated butter and oleomargarine both for pure butter. I am not dealing with that class of fraudulent dealers, but I am saying that if they would sell on their merits I think then the renovated butter comes into competition with oleomargarine, because they are both sold from 15 to 20 cents a pound at retail. It is brought in from the country at very little expense. Therefore, if the people know what they are buying, and if

the articles are sold on their merits, the renovated butter is the article in the market that is about the same price as oleomargarine, selling for 15 to 20 cents a pound.

Senator HEITFELD. You can not get that in this town for 15 or 18 cents a pound. The poorest butter you can buy sells for 30 cents, and that is cooking butter, and I notice the servants want to put it in the ash box; you can smell it the next morning.

Mr. SPRINGER. That is renovated butter, in all probability, that is sold for creamery butter; but if our people will wake up to the fact that there are four hundred and odd factories in the United States that have a much larger output than oleomargarine factories for the production of this material, they will realize that that is the article that is coming in competition with creamery butter.

Mr. KNIGHT. If you will permit an interruption—and I am assured by the fairness with which you are treating this matter that you do not intend to mislead the committee—I will state for your information, and for the information of the committee, that the material from which renovated butter is made is worth now from 16 to 18 cents a pound, and that there are, instead of being 300 or 400 factories in the United States, less than 50, and their output is about 10,000,000 pounds.

Mr. SPRINGER. How do you get that information?

Mr. KNIGHT. I am in the butter business all the time. I am the publisher of a butter paper, and think I know every renovated-butter man in the United States.

Mr. SPRINGER. This statement illustrates the importance of passing this resolution. Let us get the official facts from the Director of the Census upon this very point. I think it is a very important matter for Congress to be informed upon. I do not know myself the amount of the output.

The CHAIRMAN. Are the census returns all completed now?

Mr. SPRINGER. I assume so from the fact that several hundred employees in the Census Bureau have recently been discharged. I would assume from that fact that the work is nearly completed.

Senator QUARLES. I think the work is all done.

The CHAIRMAN. If you will hand to the clerk of the committee a statement of what you desire to ask the Director of the Census, I will have him come here, and we will ask him about it at once.

Mr. SPRINGER. It is contained in the resolution which I have already read to the committee.

Senator DOLLIVER. You would not want to wait a few months for a reply?

Mr. SPRINGER. No; I think you would probably get it to-morrow morning.

The CHAIRMAN. Would not the Secretary of Agriculture do, then?

Mr. SPRINGER. I think not; nobody but the Director of the Census has this information.

The CHAIRMAN. Is your question in writing now?

Mr. SPRINGER. Yes; as I said, I have already read it to the committee.

Mr. KNIGHT. I will say that the butter statistics are made out now. I have seen them and have had a copy of them.

Mr. SPRINGER. I desire also to obtain from the Secretary of the Treasury a statement in regard to the kinds of ingredients used in the

production of oleomargarine, and the States into which it was shipped for the fiscal year ending June 30, 1901. We obtained that information—or Congress obtained it—for the year 1899, two years ago, but since that time there has been no report from the Secretary of the Treasury upon that point. I refer to States into which oleomargarine is shipped for consumption. That was furnished two years ago for the year ending June 30, 1899, and it has not been furnished since. I desire to get that for the year ending June 30, 1901, so that we may ascertain the statistics in regard to the production and consumption of oleomargarine. I suggest the following resolution:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to furnish the Senate with a statement showing the quantities, value, and kinds of ingredients used in the production of oleomargarine in the United States for the fiscal year ending June 30, 1901; also the percentage each ingredient bears to the whole quantity, and also a statement showing the quantity of oleomargarine shipped into each State for the fiscal year ending June 30, 1901.

The CHAIRMAN. That will not require a resolution of the Senate; it can be furnished upon the request of the chairman.

Mr. SPRINGER. Yes; I suppose if the chairman would ask for that information it would be furnished. Those facts have all been compiled, and they could be compiled for distribution, because they relate to the year ending 30th of June last.

The CHAIRMAN. Those were not furnished to the House.

Mr. SPRINGER. No, sir; those statistics have never been furnished since 1899, but it is the same kind of information that was furnished to the House two years ago.

The CHAIRMAN. Why were they not called for at the recent House hearings?

Mr. SPRINGER. They were not called for. No one asked for them, I presume.

Now, Mr. Chairman, I think it of the utmost importance that accurate information be obtained with reference to the production of process butter in the United States. I am satisfied that a great deal of it which is produced is really reported as creamery butter, and that that is the reason why my friend here (Mr. Knight) has so small an estimate of the amount of this business.

My information comes from the manufacturers of oleomargarine, and I suppose they are perhaps advised as to what is going on in this direction, but I do not know. I have no official or reliable information upon which my statement is based as to the amount of process butter made or the number of persons engaged in it, or where it is made. But it is a matter of great concern that it should be known to Senators before they pass upon this bill. If there is any food product that is produced in this country that requires more than another the attention of members of Congress at this time it is renovated butter. That is, in the opinion of scientists generally, a deleterious food product, and it can be made so perfectly in imitation of creamery butter as to deceive consumers generally. In fact, it is butter. All of the ingredients of it are butter, and the only difference between that and creamery butter is that creamery butter has never become rancid, while this has become rancid, and is worked over or renovated for the purpose of removing the rancidity.

Now, there are some other provisions in this bill to which I desire to call the attention of the committee. The second section contains a

provision to which I especially desire to call your attention. I read from the bottom of page 2:

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredients or coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act, and subject to the provisions thereof.

There are two things in that provision to which I ask the committee's attention. The word "person"—the third word in the paragraph that I read—"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredients or coloration that causes it to look like butter of any shade of yellow," etc. The word "person" is objectionable in this connection.

An amendment was moved in the House—if you will refer to the House proceedings—and came within 14 votes, I believe, of being adopted, to strike out the word "person" and insert the words "any wholesale or retail dealer in oleomargarine or butter, or any corporation or hotel or boarding house or keeper that sells, vends," etc. The word "person" was believed to be too general; that it would apply to a private family if there was any person in it who paid for his board. It says "his own family and guests thereof without compensation, who shall add to," etc. If there is any person in the family who is paying anything as compensation for his board it would be an offense under this statute; or, rather, it would require such person to take out a license as a manufacturer of oleomargarine if he should himself color it. It says the person "shall also be held to be a manufacturer of oleomargarine" if he puts any coloring matter in it at home, in his own family.

It was brought to the attention of the committee of the House that in Denmark, for instance, the oleomargarine was made without color.

The CHAIRMAN. You propose to insert the words "hotels and boarding houses" as an amendment?

Mr. SPRINGER. Yes, sir; and the wholesale and retail dealers.

The CHAIRMAN. Where does the term "boarding house" begin and end? If a man takes boarders, how many does he have to have to make it a boarding house?

Mr. SPRINGER. I would say that if a person is in the boarding-house business for a living, and makes that a special occupation, that it would bring him within the provisions of this act—he keeping boarders for a living.

Senator WARREN. How about boarding schools?

Mr. SPRINGER. Take a town like Evanston, Ill., or any of those college towns where there are students boarding in a private family—and that occurs all over the United States—that does not come within the definition of a boarding house. Those people are not keeping boarders in the sense of keeping a boarding house, but this bill requires them to take out a license as manufacturers if they should color oleomargarine at their own homes.

Senator HEITFELD. Would not this very clause affect any family that has a servant in the house. The servant is not a member of the family, actually speaking. The servant does not board there without compensation, because he works for his board, and consequently that is compensation. So it would exclude any person who may have the

services of a servant, as well as any one who had a boarder for compensation.

Mr. SPRINGER. Any person, a part of whose pay for services was estimated in his board, would come within the provisions of this section as it is now.

Senator HEITFELD. Is that not the case with all house servants?

Mr. SPRINGER. Yes, sir; it leaves it at least so indefinite in regard to that that it might be the subject of a great deal of annoyance to families, and an individual oppression, especially in the college towns. I do not think that a family—a gentleman and his wife, for instance, or merchants, doctors, and business men generally who take one or two boarders, or clergymen or professors who take one or two students in their houses, more for the accommodation of the students than anything else—should be regarded as manufacturers of oleomargarine in case they colored or used any coloring matter in the oleomargarine that they used.

Senator DOLLIVER. Is it supposed that a preacher or a professor in a college would resort to such a scheme as that?

Mr. SPRINGER. Yes, sir; I think so.

Senator DOLLIVER. I mean to buy oleomargarine and color it?

Mr. SPRINGER. If the head of a family was eating it and thought it wholesome and good, he would not be doing wrong by furnishing it to the rest of the family.

As I was going on to say when I was interrupted, it came to the attention of the committee that in Denmark oleomargarine was made without color, and in that country the consumer was in the habit of coloring it himself; and it was demonstrated to the committee, by a visit they made to the factory in this District here, only a few miles from the capital, that that could be done very easily. I may say at this point that I am authorized to extend an invitation to this committee to visit the oleomargarine factory in the suburbs of this city, which is only 3 or 4 miles distant. You can be taken out there in a few minutes in an automobile, and you will find it the most interesting experience that you will have during the session to see how oleomargarine is made.

Well, it was demonstrated there that by placing a pound of butter on a plate and taking a wooden paddle and mixing the coloring matter with it and stirring it up for a few minutes a beautiful yellow tint was given to it without melting it at all.

Senator WARREN. The coloring matter was carried all through it?

Mr. SPRINGER. Yes, sir; it was beautifully distributed.

Senator HEITFELD. Is that the ordinary coloring matter that is used?

Mr. SPRINGER. Yes, sir; the same coloring matter that is used by all butter men. They all use the same thing. It is perfectly wholesome, and by reason of this fact, in Denmark the people color it to suit their tastes. Every man can have his own wishes with regard to it. Some use deeper yellow tints than others. In Denmark there is a consumption of oleomargarine of  $15\frac{1}{2}$  pounds per capita per annum, according to the statement of Secretary Wilson made before this committee last January.

I want to call your attention to that because my friend on my right [Mr. Knight] may get alarmed at this large consumption of oleomargarine. There was also a consumption of 20 pounds per capita of butter in the same country. Now, that shows that a large consumption

of oleomargarine is not inconsistent with a large consumption of butter. The consumption per capita in the United States of butter, according to the statement of Secretary Wilson before this committee in January a year ago, was  $18\frac{1}{2}$  pounds,  $1\frac{1}{2}$  pounds less than by the people in Denmark, who are not so well to do as we are in this country. At the same time they consumed  $15\frac{1}{2}$  pounds of oleomargarine, while there was only  $1\frac{1}{2}$  pounds of butter consumed in the United States per capita.

Mr. KNIGHT. I think you are mistaken in your figures.

Mr. SPRINGER. Secretary Wilson furnished those figures a year ago in his statement on this bill before this committee. I will take his word for that, because I do not think he would come before this committee and make a statement that he did not know to be true.

Now, in view of this fact, and the probability there may be, if this bill passes, of putting 10 cents a pound on colored oleomargarine, the only kind that would be manufactured in this country would be uncolored oleomargarine. Now, those who desire to consume uncolored oleomargarine may ask the poor privilege of coloring it themselves to suit their own tastes, if they see fit to do so, in their own family. I do not think that Congress ought to interfere with that. It is certainly a wholesome article of food. Nobody has denied that, and it will certainly supply the wants of a class of people who would not get butter at all if they had to pay 35 cents a pound for it.

Senator QUARLES. Your argument rests on the proposition that there ought not to be a law against a man fooling himself.

Mr. SPRINGER. Yes; or I should say, catering to his own tastes, if you will allow me to use that expression, and we hardly realize how much is meant by that. We can always talk very indifferently about the tastes of other people, but when it comes to affecting our own tastes we get sensitive at once. I might insist that my brother Dolliver here should wear a white woolen overcoat during the winter weather, and he might insist that that was very much out of fashion, although it would be just as warm and just as comfortable as a colored one. It is a matter of taste with him, as it is with me.

I think that if I should endeavor to have a law passed to require him to wear a woolen overcoat that had not been dyed he would think that was a great outrage upon him individually as a citizen. You do not strike at anything but individual taste and prejudice when you do any such thing as that. Woolen coats would be just as good and just as warm and would last just as long if they were colored yellow, and in China, I believe, that is a badge of royalty. Why not require my brother here to wear a yellow overcoat in the winter time.

I say that would be regarded as an outrage by the individual. It is a matter of taste, and when you undertake to do such a thing as that you should put yourself in the other man's place.

Now, when you come to the table you like to see your table spread just as other people spread their tables, and if a man wants to use oleomargarine and color it to suit the tastes of his wife and children, and any guests who may come in, why not give him the privilege of doing so?

So much for that. I hope the House amendment will be adopted here, to strike out the word "person," and insert the words I have indicated.

Mr. KNIGHT. Is that your only objection to the bill? Would it be acceptable to you if that provision was made?

Mr. SPRINGER. No; there are a great many other objectionable features. I have been informed that Congress is going to pass this bill, and if they are going to pass it I want the bill to do the interests that I represent as little harm as possible. I am here insisting that certain amendments should be made to this bill, if it is going to be passed, so that it will be as little objectionable as possible. The bill taxes colored oleomargarine 10 cents a pound, which is over 100 per cent ad valorem.

Mr. KNIGHT. Would it be objectionable to bring about a condition in this country which in Denmark has increased ten fold the consumption of oleomargarine? You say that under conditions where a consumer is permitted to color his article in Denmark, the consumption is about 15½ pounds per capita, whereas in this country, where it is colored by the individual taste, only about 1½ pounds are consumed. Now, how are the oleomargarine men going to be hurt if a man was putting on the table and eating 15 pounds per capita where he is only eating 1 pound now.

Mr. SPRINGER. The question is one of relative importance only. I do not wish to be understood as saying that in Denmark the consumption amounted to 15½ pounds per capita by reason of the fact that the consumers were permitted to color it themselves. I stated that they were permitted to color it, and that that fact may have contributed to that large consumption. I have no fears whatever of conditions generally which will permit the consumption of 15½ pounds per capita per annum of oleomargarine in the United States. I have no fears of conditions that will bring that about. Legislation which would enable the great mass of people of this country who can not afford high priced butter to have a wholesome article which answers the same purpose at a price within their reach would be desirable.

Now there is another proposition to which I want to call your attention in this section.

Senator HANSBROUGH. I do not think we ought to allow that overcoat proposition to pass without a further suggestion. I like warm clothing myself. Brother Dolliver's white "woolen" overcoat described by you would be composed of about three-fourths cotton.

Mr. SPRINGER. Not necessarily. It would be, if made under the present conditions.

Senator HANSBROUGH. It would not be a question of color; it would be a question of warmth, and he would have about three-fourths cotton in that woolen overcoat, using your overcoat simile.

Mr. SPRINGER. If it was all wool—and the probabilities are that it would be white—he certainly could not object to a law which would tax the wool that was colored 10 cents a pound.

Senator DOLLIVER. The ladies wear them white.

Mr. SPRINGER. As I have said, it is a matter of taste purely.

Senator HANSBROUGH. But it would not be a woolen overcoat. It would be about three-fourths cotton.

Mr. SPRINGER. That would depend on how much he had to pay for it.

I desire now to call attention to the words "that causes it to look like butter of any shade of yellow." Now, how many shades of yellow are there in this country?

Mr. KNIGHT. Moxley showed up a good many in his list.

Mr. SPRINGER. Yes; and the manufacturer of butter shows up a good

many. If you go to any butter store in this town and examine all the different kinds of butter you will see scarcely any two that look exactly alike. They have each a different shade of color. Now, I am going to suggest to the committee the propriety of having a standard shade of yellow established. We have standard weights and measures by which we can reach something definite in regard to quantity and distances. We have something definite on that subject. But here is a proposition which puts into a law such a phrase as this, "Of any shade of yellow," and leaves it to the taxing power to determine what is a shade of yellow.

It might be a slight shade of orange, for instance, which to some people who are almost color blind would be the same. I could not myself distinguish between shades of yellow. An expert on the subject of colors could give you a great many fine distinctions as to the shades of yellow. You are putting into the laws of the country a provision which has practically no meaning, or it has so large a meaning that the vastness of it makes it impracticable.

Now, I would suggest, if you want to determine what shall be the standard, that the Secretary of Agriculture be authorized to obtain from each State and Territory in the United States a specimen of butter made, say, the 15th of June. Let one pound of butter made on the 15th of June be sent in, and bring those fifty specimens together in Washington, mix them all up into one common mass, and thoroughly stir them up so there would be one uniform color. The color thus established could be furnished to all people who were enforcing this law as the standard which was to be observed for the color of butter in this country. It is said that the June tint is the natural color of butter, and I am willing that butter should have this June tint.

But this bill provides that "any shade of yellow" in oleomargarine will subject it to a tax of 10 cents a pound.

The so-called uncolored oleomargarine is not as white as this sheet of paper. It is a very light straw color—very light. It might be said, therefore, to have a shade of yellow in it; and therefore this bill is open to the objection that if oleomargarine, by reason of any of its ingredients—not coloring matter put into it at all or by reason of any coloring matter put into it—should have a tinge or any shade whatever of yellow in it, it would be subject to a 10 cents a pound tax.

Now, suppose oleomargarine is made in June. Thirty per cent of the ingredients in oleomargarine are milk, and June milk, which makes the butter of a yellow tint, would certainly give the oleomargarine a tinge or shade of yellow. If so, you would have to stop making it until the season was past, when the milk—which was necessary to make it oleomargarine—would cease to give it the color of a shade of yellow.

I think this phrase is subject to very grave objections on the ground of uncertainty. It is absolutely uncertain because, if you provide there shall not be an ingredient in it that has a shade or that would cause it to have a shade of yellow, unless it paid a tax of 10 cents a pound, I think you would stop the manufacture of oleomargarine entirely probably for two or three months in the year, because the thirty per cent of milk which is put into oleomargarine would give it, in the summer months, a tinge or shade of yellow.

Senator HEITFELD. What is the color of the yellow that the bill prescribes?

Mr. SPRINGER. The language is "any shade of yellow." If you



will look at some of the specimens which have been furnished the committee you will see that they have a distinct yellowish shade, and cotton-seed oil has that also; and milk that would be produced in June would cause a distinctly yellow shade, but it would not be such a shade as creamery butter has that is found in the market.

I think the Secretary of Agriculture should be authorized to establish a standard of color and furnish that standard to all persons engaged in enforcing this law, in order to define clearly what should be the color of butter that should be taxed 10 cents a pound.

Senator HANSBROUGH. Do you claim that the Secretary of Agriculture should have the authority to compel a little farmer over in Virginia to manufacture his butter of a certain color according to standard?

Mr. SPRINGER. No, sir; I do not.

Senator HANSBROUGH. You could not do it without taxing the butter itself.

Mr. SPRINGER. Under this bill the butter is not taxed, and therefore any shade that it has relieves it from the tax. But if you make oleomargarine that has any of these shades of this slight tinge of yellow, that would be subject to a tax of 10 cents a pound. That is the very objection to it.

Senator HEITFELD. Could that be reached by making a provision that the oleomargarine should have no color except that which arises from the material of which it is composed, without the addition of coloring matter?

Mr. SPRINGER. That is the very point I was going to suggest, and that is what I desired should be put in the pending bill. If it is the ingredient that gives it the color—an ingredient which is a necessary, component part of the product—why should that fact subject it to the 10 cent a pound tax?

Senator DOLLIVER. It might be difficult to tell how the color got in.

Mr. SPRINGER. But there are only twenty-seven factories in the United States where oleomargarine is made, and they all give under oath the exact ingredients that are put into oleomargarine. The Commissioner of Internal Revenue has such a statement from every one of them, under oath, as to the exact quality and quantity of ingredients, and he will furnish it to the committee upon demand.

Hence if you will strike out the words "any ingredient that causes it to look like butter," you will remedy the objection to which I have called attention.

I want to call your attention to the fact that there have been hearings in the House on this subject at this session, and those hearings have been published. I have asked the messenger of the committee to procure copies from the House committee for the use of this committee. In those hearings you will find some statements to which I desire to call your attention specially.

Dr. George M. Kober, who is the professor of hygiene in the medical department of Georgetown College, appeared before the committee and made a statement, which is published in the hearings before the House committee on page 37 and continues to page 135. Doctor Kober is a very learned German scientist, and has paid a great deal of attention to this subject. In his statement before the committee you will find the result of his numerous experiments, which were made at the instance of the board of health of Washington in regard to the milk supply of this city. He calls attention to the fact that in the

manufacture of butter the greatest precaution should be taken for the purpose of preventing the presence of deleterious germs, known as pathogenic germs—germs which cause tuberculosis, scarlet fever, and various other diseases.

At the latter part of his remarks he gives a statement of all of the experiments that he has conducted on this subject at the instance of the board of health in the city of Washington. In his statement you will find, I think, the most carefully prepared article that has ever been submitted to a committee of Congress upon the subject of oleomargarine and its manufacture. He goes into the subject from a scientific standpoint, and considers the ingredients of both oleomargarine and butter, and their sanitary qualities, in a way that should be of deep interest, I think, to everybody who desires to be well informed upon this subject.

Mr. KNIGHT. He was a stockholder in the Standard Butterine Company, was he not?

Mr. SPRINGER. He owns stock in that company; yes, sir. He is a gentleman in this city who owns \$1,000 worth of stock in the company, and he paid for it at par a long time ago, before he thought of appearing before that committee, and he is not to be discredited, I think, because of the fact that he owned stock in a corporation that is engaged in this manufacture, even as Governor Hoard is not to be discredited as a witness because he is a manufacturer of creamery butter himself. There is no one, I think, who will, after reading Dr. Kober's statement, question his ability and sincerity in dealing with this subject.

I had the honor myself to submit some remarks before that committee, to which I ask the attention of this committee. They are printed on page 170 and subsequent pages. In that statement I called attention to a number of matters that are of interest, I think, and without going over it again I simply want to submit those remarks to the members of this committee as embodying my views at this time upon this subject. A year ago, when this subject was before the House, I had the honor to submit an argument, principally directed to the legal features of it, and that is printed in that large volume that was submitted by a committee at the last session of Congress. (See pages 100 to 104 of Senate Hearings.)

In that argument I gave my views upon the legal features of the question, and if you will do me the honor to read it you will learn my views upon the subject. In that statement I went into the question of the police power extensively, and quoted from decisions of the Supreme Court of the United States upon the subject of dealing with oleomargarine by the different States of the Union. My position, as stated at that time, is that "that which does not belong to commerce is within the jurisdiction of the police power of the State and that which does belong to commerce is within the jurisdiction of the United States." (See opinion of Supreme Court in license cases, 5 How., 504.)

There are some other statements in this paper to which I desire to call your attention.

Mr. Chairman, I have just this moment been handed a telegram, which I will read to the committee:

HON. WILLIAM M. SPRINGER,  
43 B street SE., Washington:

I desire to be heard against oleomargarine bill. Impossible Monday.

JOHN F. HOBBS.

Mr. Hobbs is the editor of The National Provisioner, a paper published in the City of New York in interest of dealers in provisions, and he is a man who is very competent to speak upon this subject. I have had numerous conversations with Mr. Hobbs and have found him to be a very intelligent man, and one of the best informed men on the subject of oleomargarine in this country.

The CHAIRMAN. He asks to be heard to-day?

Mr. SPRINGER. He says he can not get here to-day.

Senator QUARLES. Was he ever before the committee?

Mr. SPRINGER. No, sir; not before this committee. He was probably, two years ago, before the House committee, but I was not present at the time.

The CHAIRMAN. You say he did not have a hearing before the House committee this session?

Mr. SPRINGER. No, sir.

Mr. KNIGHT. He did last Congress. His statement is given in full in the printed report of the committee.

Mr. SPRINGER. He is a very competent man, as Mr. Knight will recognize. I presume if a telegram was sent to him—and I can telegraph him this afternoon—he can be here to-morrow.

The CHAIRMAN. If he can be here to-morrow morning we will hear him, but we can not wait for him in the present state of business.

Mr. SPRINGER. I was going to say that I do not represent the interests that he represents, but they desire to be heard before the committee. They did not appear before the House for the reason that I have stated before.

The CHAIRMAN. As you know, last winter we had three to four weeks of hearings that covered over 1,000 pages of testimony, which is published, and it seems to me that we are not called upon to give any extended hearings on this subject.

Mr. SPRINGER. I feel very kindly toward each member of this committee and I would not think of imposing so great a burden upon you as to ask you to read all that has been said on the subject.

The CHAIRMAN. We shall have one regret, if this bill is finally disposed of, and that is that it will deprive us of your pleasant company.

Mr. SPRINGER. I thank you, Mr. Chairman. I can say that I have always enjoyed myself before your committee.

Gentlemen of the committee, I have been requested by Mr. Wilkins, the president of the Standard Butterine Company in this vicinity, to invite this committee to visit his establishment. At any time you may select you can go out there and be returned to the Capitol in two hours after you leave here. Mr. Wilkins will furnish automobiles at the Senate steps. The establishment is only about 2½ miles out on the road from here to Bladensburg, which has been traveled frequently by members of Congress. The factory is located at the town of Langdon, which is about 3 miles from this place, and there you will be enabled to see for yourselves how oleomargarine is made, the ingredients that go into it, the product as it comes out, and how it is put into packages and furnished to the trade. It is a most interesting exhibit, and you will be impressed especially by the cleanliness which prevails at an establishment where some 800,000 pounds are made every month.

It is the finest plant in the world for the manufacture of oleomargarine. It has only been in operation three or four months and all the machinery is of the newest and latest patterns, and hence you will have

the benefit of seeing the manufacture of this very wholesome product by the representative establishment of this country. You can go at any time that suits your convenience, in the morning from 10 to 12, or after the Senate adjourns, from 4 to 6. I can notify Mr. Wilkins by telephone and he will have the conveyances here.

The CHAIRMAN. You desire some further hearing yourself, do you not?

Mr. SPRINGER. Yes, sir; I would like to ask you to meet to-morrow morning at 10 o'clock for the purpose of hearing Mr. Hobbs, whom I will telegraph to be here without fail, and by that time I will know whether there is anything further that I desire to submit to you.

The CHAIRMAN. You will be able to close to-morrow?

Mr. SPRINGER. I will be able by that time to inform the committee whether there are any other gentlemen who desire to be heard. I prefer to answer that question then instead of to-day.

The CHAIRMAN. We desire to hear you but the matter was gone into so fully last year, and before the House this year, that I do not think it necessary to extend the hearing. I trust you will be able to close your case to-morrow.

Mr. SPRINGER. We will do the best we can.

The CHAIRMAN. It will be impossible for us to wait for those returns from the Census Office, and I doubt if they will be of any use anyhow. It will take two weeks to get the butter statistics, and we have other statistics that show substantially the production of the country and of the different States. The renovated butter statistics would take ten days probably, and they would show nothing but the number of establishments, the capital and the value of the product.

Mr. SPRINGER. And the output, of course.

The CHAIRMAN. The butter statistics show nothing about the quality.

Senator HEITFELD. I desire to ask if that will be ready for distribution in the ordinary course of business, or will it take that much time pursuant to our request?

The CHAIRMAN. It can be furnished, on request, I think.

Senator HEITFELD. I should like very much to have it.

Adjourned until to-morrow morning at 10.30 o'clock.

WASHINGTON, D. C., *February 18, 1902.*

The committee met pursuant to adjournment.

Present: Senators Proctor (chairman), Simmons, Money, Dolliver, and Heitfeld.

The CHAIRMAN. Mr. Hobbs, do you wish to make a statement?

Mr. HOBBS. Yes.

The CHAIRMAN. Very well. Try to be as brief as you can.

Senator MONEY. How many days have these hearings been in progress—how much time have the parties had so far?

The CHAIRMAN. There was a hearing on Saturday and one on yesterday.

Senator MONEY. That was all on one side, was it not?

The CHAIRMAN. No. On Saturday the representatives of the dairy interests had their opening, and on yesterday those representing the oleo interests occupied the time of the committee. They can have the session of to-day in which to present their side, and we hope that the

other side will close to-morrow. We now have over a thousand pages of printed testimony, and that is more than we can digest with our feeble powers.

Now, Mr. Hobbs, you may proceed.

**STATEMENT OF COL. JOHN F. HOBBS, EDITOR OF THE NATIONAL PROVISIONER, OF NEW YORK CITY.**

MR. HOBBS. I do not want to take up too much of the time of the committee, and at the same time I do not want to feel that I shall have to give a rheumatic appearance to my statement by having to finish it in ten or fifteen minutes.

The CHAIRMAN. Proceed.

MR. HOBBS. Mr. Chairman, gentlemen of the committee: In the outset I wish to say that the general statements which I shall make here are based upon years of investigation by myself personally, as commissioner of live stock, meat products and the allied industries, for another Government and by our own laboratory, the laboratory of the National Provisioner, of which publication I have the honor to be the editor—the laboratory of which Mr. J. C. Duff is the chief chemist, it is also the official chemist of the New York Produce Exchange. So the committee will understand the groundwork of the statements which I now make.

This bill is contradictory and an impossibility in practice. It is also an absurdity—I do not mean any reflection—as I shall show later, because more interests have protested against it than have advocated it.

We kill in this country about 11,000,000 head of cattle annually. Every pound of caul fat is affected by the market for oleomargarine. By taking it away from the tallow and ordinary oleo field of commerce it enhances every other pound of oil or tallow, edible or soap stock, made from the other portion of beef fat. We kill in this country, at the official and unofficial laboratories and by farmers, in round numbers, 40,000,000 head of hogs.

Senator MONEY. Will it disturb you to be interrupted a few moments that Mr. Burleson, of the House, may present a request to the committee?

MR. HOBBS. Certainly not.

**STATEMENT OF ALBERT S. BURLESON, A MEMBER OF THE HOUSE OF REPRESENTATIVES FROM THE STATE OF TEXAS.**

MR. BURLESON. Mr. Chairman, gentlemen of the committee, I simply desire to submit this request: We have 165 cotton-seed oil mills in my State, a considerable majority of the cotton-seed oil mills of the United States, and we feel that this bill will seriously affect their interests. I desire to submit the request that an opportunity be given the representatives of the cotton-seed oil industry to appear before the committee.

The CHAIRMAN. What opportunity do you want?

MR. BURLESON. I would like to have a day fixed a week hence. In a week we can have a man here.

The CHAIRMAN. That is utterly impossible. You have, of course, had notice of the condition of the bill in the House and could have appeared before the committee there, and could have been ready when the bill came here. We have had full hearings, and it is impossible to

give the time requested. We are all crowded with work. But the committee will hear any statement which you may desire to make on the subject. You may have to-morrow morning, if you wish it.

Mr. BURLESON. I am obliged to you for that much concession.

Senator DOLLIVER. Were the representatives of the cotton-seed oil interests before the House committee?

Mr. BURLESON. They presented a measurably fair protest before that committee.

The CHAIRMAN. We were on this matter last year.

Mr. BURLESON. It was given out through the papers that the Senate committee was not going to have any hearings, and that is the reason they were not here.

The CHAIRMAN. I have not given out any statement to that effect.

Mr. BURLESON. I mean it was given out in the papers down in Texas that there would be no hearing.

The CHAIRMAN. A majority of the committee have been to me and stated that it was impossible for them to give the time to any prolonged hearings on this matter. We have had to count a quorum here this morning in order to proceed.

Mr. BURLESON. I was under the apprehension that there would be no hearings before this committee. That may be my mistake. But I saw in the papers that the dairy people had been accorded an additional hearing before the committee.

The CHAIRMAN. Nothing of the kind. They had an hour or three-quarters of an hour on Saturday, and that was all they asked for, unless there was to be rebuttal.

Mr. BURLESON. I am quite certain that the cotton-seed oil people would be satisfied with thirty minutes, and they can speak as to the more immediate effect the bill would have upon their interests than if a legal representative were here to testify before the committee.

The CHAIRMAN. You gentlemen are here, and evidently you are familiar with the subject. Come in to-morrow morning and make your statement.

Senator DOLLIVER. At the last session of Congress we had a very full hearing of the cotton-seed oil people, and we would be pleased to hear you.

Mr. BURLESON. We thought it would not be as effective as it would be if the representatives of those interests were here to present the matter.

The CHAIRMAN. If you can make your statement in the morning we would be very glad to hear you.

Mr. HOBBS. I believe I left off with the statement that we kill in the official and unofficial abattoirs of the country and other places about 40,000,000 hogs.

Senator DOLLIVER. Where do you get your figures for the slaughter of cattle?

Mr. HOBBS. I get my figures from the official statements of the Government and from my own private estimate at the time I was estimating on it for the Bureau of Animal Industry endeavoring to find out how many calfskins and beef hides were pulled in this country.

Senator DOLLIVER. I believe that the Secretary of Agriculture estimates that there are 5,000,000 head of cattle killed instead of 11,000,000.

Mr. HOBBS. He bases his estimate on the number killed in the Government official abattoirs. Armour & Co., Swift & Co., and six or

eight others whose names I could mention kill over 6,000,000. You can verify that. Swift & Co. kill about 1,500,000 themselves, and Armour & Co. kill fully as many.

Senator HEITFELD. With the number killed, those by the farmers must be estimated.

Mr. HOBBS. Yes; and at all the abattoirs. There are about 900 abattoirs in this country, and very few of them are Government inspected abattoirs.

Senator DOLLIVER. I was in doubt about those figures.

Mr. HOBBS. The Department of Agriculture estimated that we have about 37,000,000 head of cattle, and we have over 67,000,000 by the last census. The Department gets those figures from the official abattoirs.

Senator DOLLIVER. They seem to have a list here of some fifty.

Mr. HOBBS. Yes. But you have not the other 900.

Senator DOLLIVER. Possibly more, including all the large cities and nearly all the small cities.

Mr. HOBBS. If it will suit the argument, we are willing to contract it to 10,000,000, though I hold to my original statement of 40,000,000 hogs. Of those about 10,000,000 are not killed at the Government abattoirs. It is not so easy to estimate the number of hogs, because their skins and hides are not pulled as a rule.

Now, the leaf lard of the hog fat goes into the manufacture of oleomargarine, and no other will do. Its market is solely an oleomargarine market. We have in this country—

Senator DOLLIVER. One moment, before you read that. I notice in your testimony of last year that you testified that "oleo oil is made from the caul fat of prime hand-fed Government inspected beeves?"

Mr. HOBBS. Yes.

Senator DOLLIVER. If that is so, the estimate of the Government as to the number of beeves killed would be more generally correct than your estimate?

Mr. HOBBS. As to inspected animals? Yes. There are 67,906,000 head of cattle of all kinds in this country. If you will look up the old estimate of the Secretary of Agriculture you will find about half that, because that is made up in 1899. Of these, 17,000,000 are ranked as dairy cattle all over this country; 50,700,000 are beef cattle. There are 63,000,000 hogs in this country, according to the recent Government census. That gives a protesting herd of 114,000,000 of live stock, against the action of 17,000,000 dairy cows in this bill. So that, on a cattle or live-stock vote, the other side is entitled to consideration and to justice.

The present oleomargarine legislation and the legislation sought to be enacted seek to curtail the market for this extra prime No. 1 oil, and does not offer the inducement to other concerns to go to the expense of inspection, either public or private, because the market is already supplied sufficiently from the Government inspected abattoirs for the existing oleomargarine business. But an increase in the manufacture of oleomargarine will call for a larger amount, and will bring into the market a still greater domestic consumption of this particular kind of caul-fat oil. But if you kill oleomargarine they will not need even what they now get.

Senator DOLLIVER. In all these hearings nobody has appeared for the hogs.

Mr. HOBBS. Well, then, I appear in behalf of the hogs.

Mr. SPRINGER. I appear for the live-stock associations which represent all the cattle, hogs, and sheep in the United States.

Mr. HOBBS (producing vials of liquid matter). I place the hog on the table now. I next place the beef on the table, and now I place the cotton-seed oil on the table. If I had a vial of good butter fat, which would be about this color [indicating], I would place it there. Gentlemen, I brought these—and I will refer to them later—that you may see the natural colors which are the ingredients or parts of the ingredients that go into the manufacture of oleomargarine. If I get tiresome, I hope the Chairman will call me down and close the case.

We grow 10,500,000 bales of cotton on an average. This [indicating] represents the butter oil, as it is called, or the cotton-seed oil ingredient which goes into oleomargarine. That is an extra-priced oil, only consumed by the oleomargarine product, which made the market for it solely; and if the market is killed, it is killed, and it goes back to the virgin cotton-seed oil here and abroad. But if more of it is permitted to be used in this product by larger consumption, we then have a still greater enhanced value in the cotton seed to the poor ragged farmer of the South. I have an old plantation in South Carolina off of which I get \$100 a year after paying the food bills for the negroes.

Senator HEITFELD. You get more than I do off a wheat farm.

Mr. HOBBS. I paid that \$100 also in taxes, so that I do not get anything. I thought I would draw you out.

Senator HEITFELD. I pay more than that.

Mr. HOBBS. The presence of this bill in this committee is evidence that it is not really a revenue measure. Yet the claim of its friends is that it is a revenue measure. If it is a revenue measure, it should be based upon the need for further enactments for Government purposes, either for administering the act itself or for general budget purposes. I believe the House on yesterday decided that we could dispense with \$75,000,000 worth of revenue. This bill asks for more. Such a need for increase of revenue does not exist.

The following came here at the last Congress, and either in person, by representatives, or by resolutions and petitions, protested against the passage of this bill. One hundred and fifty-two live-stock associations were here. They are now represented by the distinguished ex-member of the House, Judge Springer. Seventy-five per cent of the hogs, sheep, and cattle in this country are represented by these associations, which form the National Live-Stock Association of the United States, the members of which own about \$4,000,000,000 worth of property. They are entitled to consideration. Six hundred and thirty-seven cotton-seed-oil mills have protested here. There are 150 of those in Texas. The retail grocers' associations have protested; the retail butchers' associations have protested, and the Benchmen's association, representing all the butcher workmen, have protested.

The Amalgamated Meat Cutters' Association and Butcher Workmen Association have protested. I bring to-day a protest by authority of the presidents of two of these concerns. Others have protested. The refiners of cotton-seed oil, the produce exchanges, the live-stock exchanges—all important respectable entities of our commercial industry—have protested, and they are entitled to respect here.

The other claim for taxing this product is the pretense of preventing it being sold as dairy butter made solely from the cream of the cow. What right the dairymen have to come and ask Congress to finance



their product is something business men can not understand unless they are creamery people.

Now, examine the revenue and the antifraud claims. Additional revenue is not needed, first, because the Treasury is choked by a surplus, and certain taxes are being abolished to relieve this Treasury glut. It is not needed for the administration of the present oleomargarine act, because the present revenue from that source is more than sufficient to administer the act as it now stands. If the purpose is to raise revenue, the drastic rise from 2 cents to 10 cents per pound in the tax would destroy the source of revenue aimed at. It would then require the sale of eight times as much uncolored oleomargarine as is now sold of the colored product to equal, with one-fourth of a cent a pound duty, the raising of the amount now collected with a 2-cent tax. But a sale of eight times as much oleomargarine would make a dairy cow squeal.

Senator DOLLIVER. You mean it would make the dairy hog squeal?

Mr. HOBBS. No; the dairy cow. She is very hoggish.

Strip it of its verbiage and of its deception. Do not fool yourselves or think that others are being humbugged.

Senator MONEY. No one is being fooled.

Mr. HOBBS. The revenue-bill idea is a blind. As a revenue measure it would defeat its own purposes and kill itself. Why, a product which costs 10 cents per pound to make, besides the wholesale manufacturing license of 2 cents per pound more, can not pay 10 cents per pound and then be sold for less than 30 cents per pound by the retailers. Can a poor man pay that? Would you ask the workingman and the mass of the people to pay that when they can get the product of oleomargarine now for less than 20 cents per pound?

I can not imagine anybody but a dairy farmer and a shareholder in a dairy or butter factory of some kind coming here and asking that the great mass of the people be saddled with high-priced butter. And only this class have asked for this legislation. The protests which have come in here have, when traced to their source, been found to come from dairy associations, sometimes rearranged as farmers; then from the same people, as dairies; then from the same people over again as individual farmers or citizens of Blank town or community. The effect is of a great crowd. A granger came here—his name was Jones—and said he represented 500,000,000 farmers. The members of Congress from the States in which most of his clientage live have voted against this bill, and have discredited this same representative of 500,000 farmers, members of an organization that is fast retrograding because of the commercial element that is being introduced into that organization.

Senator HEITFELD. Did you mean to say 500,000 or 500,000,000?

Mr. HOBBS. Five hundred thousand.

Senator HEITFELD. You said million. What do the Filipinos say?

Mr. HOBBS. They are agreed on the question of oleomargarine; the Chinese and Japanese are agreed on hogs and the fat of hogs.

The members of Congress from Missouri, and from many other agricultural States, including Georgia, South Carolina, Kentucky, California, and other States having a great many of Mr. Jones's constituents, as well as being of the thirty-two States with some of those dairy union promoter antioleomargarine laws on their statute books, have come here and voted against this private-interest, un-American

legislation. The State of South Carolina has one of these statutes, and her Congressmen came here and voted against this bill.

There are about 485 renovated-butter factories in this country. That statement may be contradicted, but I stand pat on it. There are only about 27 oleomargarine factories; and the Secretary of Agriculture will find, if this bill gets through with the Allen amendment to it, that most of the former are in those very butter States named. I skipped the States. The butter States which I omitted to name are Wisconsin, Minnesota, Vermont—I apologize to the chairman—Connecticut, and some others. New York, Pennsylvania, and Illinois are equally guilty of hoarding and multiplying these increasing and prosperous makers of renovated butter.

Renovated butter: Renovated butter is the chief agitator against the product known as butterine. They two compete for the 18 cents and 21 cents a pound butter customer. We hear of frauds and protection. There are two bona fide frauds in the butter market. These are renovated butter, treated with a dangerous chemical to free it from its rancidity and destroy its grain, and then re churns or blows through either sweet milk or buttermilk to give it short-lived sweetness. There is another class of renovated-butter people, they who call themselves reworkers of butter. I know one of them who stuffs a little tallow in it and puts it on the market, and the cheap or cut-rate grocer does the rest. Would you care to eat this grease if you knew what it was? Yet 485 factories make and market it with your permission and without tax.

The other fraud is the white cow tallow, or winter butter of the farmer, which is colored to deceive the eye and is sold to deceive the purse, cold storage being the assistant to carry it into the season for the higher-priced summer yellow butter. Why is it a fraud? I will tell you.

Bovine fat is essentially the same, whether deposited in the fat cells of the body or in the udder of the female in microscopical small oil globules. It is called butter fat. In the latter the oil globules are associated with a volatile acid termed butyric ether. When the feed and the bovine are poor in winter grazing, both the body oil and the other oil of the bovine are poor and tallowy. The butter fat of the cow becomes as white and as poor as the oleo properties of the beef steer that is a ranger. Neither makes a rich nor a nutritive oil.

It is utterly impossible for the renderer to turn an extra prime-oleo oil from the fat of a poor beef as it is for the butter man to lift the tasteless, waxy tallow of the cow's udder to a prime yellow creamery butter with a rich flavor. The butter man meets the objection to the eye with artificial coloring, and sells the stuff as Elgin Creamery. That word Elgin leads me to remark that nearly every butter factory at Elgin, Ill., is not an oleomargarine factory, but a renovated-butter factory.

There are other frauds of which the dairy interests are guilty. One is stuffing butter with water and salt, and selling those ingredients for butter. The law of Wisconsin permits fully 12 per cent of this fraud. In cheese there is no limit. As much as 20 per cent of water is sold at 25 cents per pound for butter. In Kansas, I believe, they call this congealed butter, as the impregnation of ice is quite perceptible. Illinois permits as high as 20 per cent of salt and water in butter before they call it a fraud. Illinois is a ranter against frauds and butterine and the protection of the housewife. Iowa has no limitation, and per-

mits the making of a cheese containing only 10 per cent of butter fats. The Iowa cheese thus becomes a sewerage for the dairy skim milk.

Senator DOLLIVER. What is your authority for that statement?

Mr. HOBBS. My authority is the Agricultural Department's compilation of the dairy laws of the United States.

Senator DOLLIVER. You spoke of it as a fact rather than as a law.

Mr. HOBBS. I take it that the Agricultural Department would not make a statement without believing it.

Senator DOLLIVER. The Department states what the law is. But you spoke of our people permitting the making of cheese with only 10 per cent of butter fats.

Mr. HOBBS. I said the law permitted the making of cheese containing 10 per cent of butter fat. But I say now that the laws of the State are not made without fixing them up for some purpose.

Ohio's maximum allowance of water in butter is 20 per cent—quite a concession to the dairy pump at 30 cents per pound. Holy Wisconsin has no water limit for butter. If the Wisconsin dairyman can run a river through his butter and hold the congealed mass there in cold storage, why the business moral of it is O. K. These States are among the loudest denouncers here of frauds and deceptions.

In making this statement, I do so on official authority. These States should show home morals. They are not doing so. Do not such frauds honestly merit the first attention of the General Government when it seeks to correct the abuse against the public taste and the public purse?

The State of New York is here in Congress to complain against the States of Wisconsin and Minnesota for sending in bogus cheese to compete with the good famed cheese of New York. The increaser and the expander are other butter frauds practiced by unscrupulous people, and those people are as much a butter fraud in the butter trade as is oleomargarine. They are more or less in existence. The butter maker extracts the butter fat. The cheese maker gets hold of the fat and the casein from the milk. The expander holds in the conglomerate milk mass the fat, casein, sugar and all. The dairyman then adds the coloring to complete the complexion. This expander is really an emulsifying mixture of crude pepsin, salt, and coloring matter. Some butter of that class found in Philadelphia contained 30 per cent of it.

But why pursue these frauds? I would not mention them if the word fraud were not flaunted and Congress did not claim to be looking for a punishment of fraud.

The claim is that this law is necessary to prevent butterine being sold as butter. I want to say right here that no man has sought for the identification of oleomargarine or the food trade-mark more than I have or my house. We want it sold for exactly what it is. We have favored the strictest provisions and regulations for doing this. But we do not think that any food product which is wholesome or proper to be made should be killed in our own market and made to pay a tariff for the American right to exist. It is not right. Up in Connecticut and Vermont, and other places, they sell to us a honey, which, when it comes to us, is something else. Why, for that reason I have not eaten honey for three years.

This evidently is not a bill to raise revenue for the Government. The way to correct an offense is by enacting criminal statutes and punishing the offenders. The courts are for that purpose. It is so in all other lines of trade. If oleomargarine is healthful and nutritious it

should be allowed the American right of all other food articles. If anyone connected with its manufacture or sale does another a physical or a trade injury, the courts are open to him for redress as they are in all other cases. Is our civil and criminal procedure a failure only in this particular product? If the offense is so serious as to list it among the crimes, make the penal statute strong enough to cover the case. But why stop at butterine? In what other case does our code of statutes do other than facilitate punishment by assisting the prosecution?

We have imitation alligator leather, imitation leather furniture covers—pantisote—imitation hair brushes and mattresses, imitation coffee, imitation Panama hats—imitation hundreds of other things not sold in their own name. Will Congress tax them to death *ad libitum ad infinitum*? Stay their competition? Should their manufacture be killed by a prohibition tax or by the direct prohibition of their manufacture? The middle classes can not pay for real leather and the like articles at the present price. The matter of fraud is for the public and private prosecutor and the court. Congress may facilitate the process by law, but not by a pettish or selfish strangling of the industry which is proper and legitimate in itself. Only the northeast and the northwest and other dairy cows have asked for it. This whole antioleomargarine bombast of certain parts of the dairy interests is simply hooded hypocrisy. They may say what they like about me.

Are the arms of the Government and the butter man's special agent, the average dairy food commissioner of certain interested States, impotent to prosecute and to enforce existing dairy food laws? If so, does this not mean that such laws have not the moral support of the very people in whose interests they are sought to be enacted, and who, it is claimed here, are calling for them?

In all the butter-oleomargarine prosecutions in the States the plaintiffs are the butter interests or their agents, and the witnesses are all the same. The people who do not own a dairy cow or a butter store neither make the affidavits nor appear as witnesses.

The complainants and the witnesses are all of the dairy agent and agitator type. The cities do not call for these laws and show no interest in enforcing them. The same people, almost man for man, who are now here for this new bill, were here each year during the last five years. The populace has not risen in their might to demand anything at all. These same promoters trail the country between sessions and then come to Washington. This bill is worse in its invasion of individual trade and State rights than any act of George III, and it is further in its selfish line than any foreign nation has gone. If oleomargarine is not a legitimate food product, its manufacture should be absolutely prohibited.

We have got to taxing—

Senator DOLLIVER. Just a moment. Has it not been prohibited in 32 States—I mean the colored article.

Mr. HOBBS. I am informed that in South Carolina and Georgia the bills that were passed there, limited bills, were instigated by parties in the Northwest, and not a prosecution hardly has taken place under them.

Senator DOLLIVER. That might dispose of South Carolina. But it appears that they have been passed in all the larger States of the Union.

Mr. HOBBS. Texas is a pretty large State.

Senator DOLLIVER. Do you think it right to leave it to the States?

Mr. SPRINGER. The object of this bill is to breathe life and vitality

into the laws of the States which have prohibitory laws on the subject of colored oleomargarine. But these laws have been declared unconstitutional and void by the Supreme Court of the United States.

Senator DOLLIVER. I believe not. Our laws, in the State of Iowa, have been held to be valid.

Mr. SPRINGER. In the Shallenberger case, where the original package question was involved, the Supreme Court held that such laws were invalid.

Senator DOLLIVER. But the decision of the Supreme Court a few weeks ago declared our police regulations to be valid.

Mr. SPRINGER. So far as the State laws are concerned, they come especially under the decision affecting interstate commerce.

Mr. HOBBS. If eleven jurors have some of the hams it is impossible to convict the thief who stole them. When the law in the State of New York was passed the claim was made that oleomargarine was made from tallows and hog grease melted at a temperature of 102°, and was filled with paraffin, all of which things were untrue. The only factory at that time which did put any paraffin in its product was the butterine end of a renovated butter concern.

Senator DOLLIVER. That law has been on the statute books for a number of years. If it was passed under a misapprehension of that sort, why have they not repealed it?

Mr. HOBBS. The same claims were made here, until they found they were up against the chemists and doctors.

We have got to taxing food, domestic home-made food, from American-grown ingredients. Will you name to me another food which carries an internal-revenue tax, and for the sale of which an American grocer has to pay even a one-cent license to sell, or that an American manufacturer has to pay any Government tax to make or any license to get it from his factory.

Senator DOLLIVER. Filled cheese.

Mr. HOBBS. Under Congressional law? What is the tax?

Senator DOLLIVER. Ten cents a pound.

Mr. HOBBS. Have there been any prosecutions under the filled-cheese law? And must grocers pay a \$48 license to sell it, or factories and dealers licenses also?

Senator DOLLIVER. The fraud is entirely destroyed and neutral lard substituted.

Mr. HOBBS. Filled cheese is sold in New York to-day. They are called packer's cheese. The packers have to bear the odium of them. These are cheese packers.

Senator DOLLIVER. They pay a tax?

Mr. HOBBS. That simply shows the absolute littleness of this whole business. And it is the dairy people who are making it.

Senator DOLLIVER. The dairy people got that law, whether they are making it or not.

Mr. HOBBS. They claim a lot of things. They are selling that thing at 40 cents a pound. I got from a wholesale concern in Greenwich street less than two months ago what purported to be an imported Swiss cheese which, when burnt in my stove, furnished a green cinder. If you gentlemen will appoint a commission to go to New York and investigate the whole question, I will put you on to the frauds. We have analyzed forty different products in New York City, and the majority of them are frauds upon the public. They are not the articles whose names they assume, but are frauds.

I have stated before that oleomargarine made from the caul fat of our finest hand-fed Government-inspected steers, the neutral lard or leaf-fat of our farm-grown Government-inspected hogs, the extra prime odorless cotton-seed oil, and, if you please, a per cent of the butter fat of the cow—all farm-grown products—is the only one taxed and outlawed. Every ingredient is wholesome, healthful, and nutritious. Has the American right of free trade been extended to oleomargarine?

Now, as to healthfulness. Let us look at the chief ingredient of butter. Dr. Adolph Jolles, the greatest of Austria's chemists, and official chemist to his Government, says:

"Butter is especially liable to be contaminated. The best process of manufacture fails to eliminate all the lactic-acid ferment, the action of which even salt can not neutralize, except for a short period."

The Scientific American says:

"Nine-tenths of the dairy product that is marketed is more impure than oleomargarine."

The New York Medical Society says:

"It is necessary in the interest of public health to reform the dairies. The dirt, disease, and drugs in dairy milk," says Dr. Davis, the health officer of Cincinnati, "are killing the infants. No other question relative to the public health is of so much importance. Many dairies are dirty; some dirty enough for the law to see; others just dirty enough to menace health. Hygienically clean butter from the product of such dairies is impossible."

The Medico-Chirurgical Society says:

"The mortality of infants less than a year old is 36.08 per 1,000 annually, due principally to impure milk. Death lurks in impure butter, and most of it is impure."

H. S. Tuthill, of the famous Sheffield Farms, a man who knows the butter business inside out and all over, says:

"I have inspected over 5,000 dairy farms and most of them are indescribably filthy. There is worse even than the dirt of the farm in the milk."

"I have, in the last seven years," says Dr. J. D. Hird, the official chemist to the District of Columbia, "examined more than 4,000 samples of milk alone, independent of cream, so I feel competent to speak of the contamination of the dairy products and the filth, dirt, or manure which finds its way into the milking pail from the flanks and udder of the cow. We find the débris to consist of epithelium cells, parts of insects, hairs, dust, and other excrementaceous matter from the cows."

"To these horrors," the eminent doctor and chemist says, "must be added the germs of typhoid, scarlet fever, diphtheria, and tuberculosis in its various forms."

But why go further? Every board of health and every scientist knows that milk and cream and cows and butter are infected with disease. I am not speaking of the scientific dairy of the high order; I am speaking of the great bulk and mass of dairies in this country that make our colored butter.

Color and fraud are simply catchwords. Color is as bad in butter as in oleomargarine. I think close investigation will show you, as has been shown me, that oleomargarine was the first to use color, prior to 1860, and a 15-cent white butter colored and sold for real yellow at 25

cents to 35 cents per pound is a greater fraud than colored oleomargarine sold for old rancid butter renovated. The renovated stuff has neither grain nor keeping qualities outside of a refrigerator. I have had 300 samples of it, and I have not had more than 5 or 6 that stood a temperature of more than 80°.

The proper regulation of a fraud is by the courts.

Senator DOLLIVER. What do you mean by that?

Mr. HOBBS. What?

Senator DOLLIVER. The regulation of fraud by the courts. If I buy butter that turns out to be oleomargarine, my loss is to myself.

Mr. HOBBS. If you buy a pound of honey made up in Vermont—

Senator DOLLIVER. I was talking of butter.

Mr. HOBBS. You asked me a question, and I will ask you one. Answer my question, and you can answer your own. If a man sell you something for honey that is not honey, what is your loss?

Senator DOLLIVER. Not a cent, because I can not afford a lawsuit.

Mr. HOBBS. Well, there is the public prosecutor, who would not cost you a cent.

Higher taxes only invite greater frauds to keep the profits. Your wives and daughters, as a rule, will not buy white butter for your table. Color is pleasing and appetizing. I know a very sweet green orange in Samoa and the Fiji Islands, but it was not yellow, and it destroyed my appetite for oranges. I have not eaten many oranges in some years.

Senator DOLLIVER. You have been knocked out of oranges and honey, both?

Mr. HOBBS. I got stuck on honey in Vermont and knocked out of oranges in Samoa.

They spray oranges and lemons in Florida to give them a richer yellow. The sales improve. The natural color of the lemon is a pale yellow. They will not sell unless they spray them on the trees and give them a color, because the public taste is pleased with the color.

Why should one food product claim a patent right on commerce and ask Congress to further patent it in every State? It is absurd. This bill, if it passes the Senate, will kill the manufacture of colored oleomargarine, because that product can not, any more than butter, stand a tax of 10 cents per pound and all the other licenses levied against it. It can not do that and live. You can not make any oleomargarine of its present ingredients and not have it of some shade of yellow. Therefore, it will be of some shade of butter. There is the yellow color of oil that goes into its manufacture. The paler yellow is the neutral lard. They have a shade of yellow, and they are the chief ingredients of oleomargarine.

Mr. KNIGHT. Why did you not bring some winter oil down here?

Mr. HOBBS. Yellow winter?

Mr. KNIGHT. No. Winter oil, as I understand it, is the white oil.

Mr. HOBBS. No; you are misinformed. That [indicating] is winter oil. You mean white summer oil.

Mr. KNIGHT. Does not the yellow cheapen the price?

Mr. HOBBS. No; the cheapest is made at a cost of 6½ cents a pound. The cheapest ingredient in it will be what they call summer white, and that will not assimilate so well with the other ingredients, but will cause disingration and the formation of a tallowy substance at the top, called "spots" in the trade.

Mr. KNIGHT. You say it is impossible to use the white or bleached oil, as I understand?

Mr. HOBBS. To make a good oleomargarine.

Mr. KNIGHT. But they do bleach cotton-seed oil and make it clear by the use of fuller's earth?

Mr. HOBBS. Yes; I am coming to that. I am told by three of the biggest oil companies in this country that yellow oil is made from cotton seed selected at a certain season of the year. If you mix those oils, you can not get a white oleomargarine. This bill should at least allow the manufacturer to incorporate in his product the natural colors of the ingredients which go into it. That is what we think. Should he not? Sesame oil, which is also an ingredient, is darker than either of those. Any chemist will tell you that, to make a white butterine, this yellow ingredient will have to be bleached. The process impairs the ingredient for manufacturing purposes. It is a costly process. Another item in the cost to the ingredient is the shrinkage of the substance undergoing the bleach.

I have here a certificate to verify the statements that I have made. I had an analysis made in our own laboratory. We are official chemists to the New York Produce Exchange.

NEW YORK, February 17, 1902.

Concerning the ingredients—cotton-seed oil and oleo oils—now used in the manufacture of oleomargarine, will state that the bleaching of the ingredients would imperil the ultimate product of which they become a part. Further, the bleaching will considerably increase the cost of this article to the manufacturer by reason of the entailed shrinkage and the cost of the process.

JAS. C. DUFF, S. B.,  
Chief Chemist the National Provisional Laboratory,  
Official Chemist of New York Produce Exchange.

There is the official seal and everything attached to it.

I will state right here that the cost of making the average commercial butter is no greater than that of oleomargarine with which it competes. The following figures I take from official reports. The United Creameries Company, Fargo, N. Dak., in 1900 paid 68 cents per 100 pounds for 4 per cent butter-fat milk. The farmer got that. The creamery people got the market price for the butter and the profits. The company made 5 pounds of butter per 100 pounds of milk bought. The cost was, thus,  $13\frac{3}{4}$  cents per pound. It cost about one-half cent per pound to manufacture it. The butter cost, all told, a little over 14 cents per pound. The retailer paid nearer 30 cents. The creameries of Minnesota in the same year paid 62 cents per 100 pounds for 1,357,500,000 pounds of milk; which yielded an average of  $4\frac{1}{2}$  per cent of butter fat. That made  $12\frac{3}{4}$  cents per pound for 13 per cent moisture butter. The cost of manufacture fetched it to just over 13 cents per pound for the butter made and packed. The average grade of oleomargarine cost 10 cents per pound to make. Add the 2-cent tax and that makes it 12 cents f. o. b. factory, licenses, etc., to be added.

I submit these facts for the consideration of the committee.

Senator DOLLIVER. I want to understand about this cattle business. Are you familiar with the claims of the oleo people as to the amount of loss that would be sustained by the diversion of this oil from the butter business?

Mr. HOBBS. We have made our own estimates.

Senator DOLLIVER. What is your estimate?

Mr. HOBBS. We estimate in two ways: One is that the extra price



is lost per pound, and the increase in market is lost for the greater bulk that would go into the market, and the loss of the tallow and other oils produced by throwing this back on them in depreciation of their market value. We estimate that it comes to about a half to a cent a pound on the commercial market. You must remember that to dump a certain amount of stuff on the market, as they have dumped from time to time, depresses the market to a greater extent than the relative amounts of the bulk of sales. It acts upon them like shares in a railroad or other deal. It would be from a half to a cent a pound.

SENATOR DOLLIVER. What I want to get at is, whether or not you have any estimate of the amount of loss it would be per pound on this oleo?

MR. HOBBS. I have not the figures here. I did not want to burden my statement with statistics of this kind. If you want them, we will send the figures down.

SENATOR DOLLIVER. I hope your figures will not differ from the estimates of the Government.

MR. HOBBS. When the Departments of the Government asked us to make estimates for them, because of their limited resources—a strange thing to say, but they are handicapped by their deficiency in clerical force—we sound confidentially our thousands of sources not accessible to the Agricultural Department.

SENATOR DOLLIVER. What is your information as to the amount of this oleo oil used a year in the manufacture of oleomargarine?

MR. HOBBS. The average is about 20 per cent in the higher grades. The amount used by the renovated people, of course, I do not know.

SENATOR DOLLIVER. Twenty per cent of what?

MR. HOBBS. Twenty per cent of the amount of oleomargarine is neutral oil. Different per centages are used in different products. They are used according to the market. If butter oil is cheaper, and oleo oil dearer, they use a larger per cent of butter oil.

SENATOR DOLLIVER. You spoke of being disappointed in the character of your honey; what was the objection to the honey?

MR. HOBBS. I objected because it was not honey?

SENATOR DOLLIVER. Was that your only objection?

MR. HOBBS. The ingredients incorporated in it. The chemicals, the chemists say, are dangerous to the coating of the stomach.

SENATOR DOLLIVER. You think that a crime, do you?

MR. HOBBS. I think it a crime to eat out a man's stomach; yes.

SENATOR DOLLIVER. Do you think it a crime for a man to sell you something for honey which is not honey?

MR. HOBBS. He ought to be prosecuted in the courts; yes. And he ought to be prohibited from selling it, if it is unlawful to sell it under the name of honey. And that is what we insist in regard to oleomargarine. The man may sell me his honey, white, bleached, red, or what not, according to the consistency of the food which the bees eat, if it is what he represents it to be. I take the same stand with regard to oleomargarine that I do with honey and other products. You may make your regulations as stringent as you like but no tax.

SENATOR DOLLIVER. Congress has no right to make it a crime?

MR. HOBBS. It seems that it has in regard to oleomargarine, and I do not see why it should not have the right in regard to honey.

SENATOR DOLLIVER. We will approach that as we are approaching the subject in this bill.

MR. HOBBS. If you will put in this bill something to cover all these

deceptions—make them identify them, sell them for what they are, you could not have a stronger advocate for your bill than I would be.

Senator DOLLIVER. You spoke of the statute of Iowa permitting the sale of bad cheese. Here is the statute of Iowa upon the subject:

Imitation butter or cheese is an article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be sold as a substitute for either of them. Shall not be colored to resemble butter or cheese, etc.

I notice that all the States that produce cheese have very stringent regulations against fraudulent adulteration of it, and Congress made a very stringent regulation, putting the whole thing under the revenue department. Yet you say the grocers of New York are selling that article?

Mr. HOBBS. I say that.

Senator DOLLIVER. And you appear here as a representative of the New York Produce Exchange against this bill. It seems to me the grocers of New York are engaged in a pretty bad business, selling such a product against the regulations of the State and an act of Congress.

Mr. HOBBS. The average grocer does not know filled cheese from any other cheese.

Senator DOLLIVER. I think filled cheese is fairly discernible to the eye, and I give the grocers credit for knowing the character of the article they are selling.

Mr. HOBBS. I do not see how you can tell filled cheese unless you are an expert, if it is kept in a cool room, when the extra amount of grease is taken up. The groceryman thinks it is a rich cheese. He does not know it is some kind of lard that is leaking out of it.

Senator DOLLIVER. And it is rich in lard.

Mr. HOBBS. Tallow; these produce dealers do not stop at lard; they go cheaper. And they are the same men who are here urging that this bill be passed. I have seen—the name I will not disclose; you must take my statement for it—I have seen a No. 1 imported Swiss cheese, which, when it was burned in my stove, gave a green cinder.

Senator DOLLIVER. You think cheese ought to burn with a white ash?

Mr. SPRINGER. Mr. Chairman, I do not want to make any extended remarks. I want simply to call attention to what was stated by me on yesterday with regard to the clause of the bill which is contained in the proviso to the eighth section:

*“Provided, When oleomargarine is free from coloration or ingredient that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 per cent per pound.”*

The words “any shade of yellow” were inserted in the House bill as amended. In the laws in many States the words “yellow butter” are used so as to distinguish butter made in the winter time—when it is nearly white, light straw color—from the ordinary butter. The words “any shade of yellow” were inserted because when the product is put on the table it has the appearance of butter. Now, as there is no legal standard for measuring butter, the suggestion of Senator Dolliver, I think, should be observed by this committee; and the words “or ingredient” should be stricken out of this bill. You see those ingredients which Mr. Hobbs has produced here.

The CHAIRMAN. We would like to retain these samples.

Mr. HOBBS. I brought them for you.

Mr. SPRINGER. That [indicating one of the samples] would be the color of the oil, one of the ingredients used by the manufacturers of oleomargarine in this country. Under this law that would be held to be a shade of yellow. Would you not say that that vial has a shade of yellow?

Mr. KNIGHT. It would in that state; but it would not when mixed with the other ingredients.

Mr. SPRINGER. If the ingredients are wholesome, the manufacturers who produce a first-class article ought to be permitted to use them. That [indicating] is said to be an ingredient. You have the word coloration—free from coloration. That means the using of a coloring matter. But the words “or ingredients” ought to be stricken out of this bill, because, as I hold, you do not mean to say that when oleomargarine is made out of an ingredient that the manufacturer deems one of the best ingredients used in producing the article, the most saleable and the most palatable, he should be subject to a tax because he produces an article having a faint shade of yellow.

Senator DOLLIVER. Could not the chemist very easily add an ingredient that would do the business?

Mr. SPRINGER. That would be coloration. If the natural ingredient contain the coloring matter in the condition in which it is used, that ought not to subject it to a tax. The word coloration is used here. Say artificial coloration, if you choose. You may use that. But I object, and I think the trade generally will object, to the use of the words “or ingredient.” As it is now, if those ingredients should give the oleomargarine the slightest shade of yellow, it would be taxed 10 cents a pound. How are they to avoid that? From what Colonel Hobbs has suggested and what Mr. Knight has said, they would have to bleach that oleo oil—that is to say, put it through a chemical process to eliminate the coloring matter, and that would deteriorate its quality.

Now, one other point in regard to renovated butter. I will ask the committee to consider to-morrow morning an amendment which I will submit for its consideration—an amendment in regard to process butter, an amendment which will define what that is and impose a tax of one-quarter of 1 per cent a pound upon it, so as to bring it within all the provisions that apply to oleomargarine.

Senator SIMMONS. That is renovated butter.

Mr. SPRINGER. Renovated butter. Subject it to the same tax that you do oleomargarine, so as to remove the objection raised by Senator Quarles. You should put it on all fours with oleomargarine.

Senator DOLLIVER. You would not have it applicable to some States and not others?

Mr. SPRINGER. I would not. I would like to have it uniform all around, by simply providing, as you do here with regard to oleomargarine. Put in the words “oleomargarine or renovated butter,” and that would cover it all. But you would have to use it in a separate place, because you have “coloring matter” in here. If you brand it so that the people will know it when it is sold, the people will pass it by and go where there is oleomargarine or creamery butter.

Mr. HOBBS. The butter oil or cotton-seed oil is sent to my office by Whitman Bros., of the New York Produce Exchange, the New York selling agents of the Southern Cotton Oil Company. The oleo is from the United Dressed Beef Company, of New York City

asked them to send me the prime article used in the manufacture of oleomargarine, and they sent me that [indicating]. The neutral lard I got from Messrs. Rohe & Brother, of New York City. I sent to them, and they sent me 4 ounces of neutral lard, such as is used in the manufacture of butterine. That is how I came into possession of those three bottles. I tell you that, so that you may seriously consider the product in the market that is made from them.

MR. SPRINGER. As I understand, Mr. Chairman, to-morrow the cotton-seed oil representatives will be here, and next day the dairy interests. That will be Thursday.

The CHAIRMAN. No; we hope we shall be able to get through with them all to-morrow.

MR. KNIGHT. There is something in the cattle statement of Mr. Hobbs that I would like to have made a little plainer, if I might be permitted to ask him two or three questions.

The CHAIRMAN. Very well.

MR. KNIGHT. In your estimate of cattle you said that you estimate 11,000,000 head were killed a year?

MR. HOBBS. Yes; that includes calves.

MR. KNIGHT. Oh. What did you say in regard to oleo oil?

MR. HOBBS. I said that the oleo oil which is put into the manufacture of oleomargarine is Government inspected, extra prime, oleo oil.

MR. KNIGHT. You mean that it was inspected at the oleo factory as it went in?

MR. HOBBS. No; I mean that the oleo oil was made from cattle inspected by the United States Government, and that that oil went into the manufacture of oleomargarine.

MR. KNIGHT. Do you mean that the oleo manufacturers will not buy anything except that which is inspected by the Government?

MR. HOBBS. I know seventeen factories that have not been buying anything else; at least I have their statement for it.

MR. KNIGHT. You have no other authority except your own idea?

MR. HOBBS. My own investigations. I suppose you speak from the same source?

MR. KNIGHT. You know, I presume, that the number of cattle inspected by the Government last year at the various killing points was slightly over 5,000,000.

MR. HOBBS. I believe that is the official statement; yes.

MR. KNIGHT. And not more than half of the cattle slaughtered have been inspected?

MR. HOBBS. Of the cattle and calves? I say yes.

MR. KNIGHT. Now, what is done with the fat that comes from the other 6,000,000 head?

MR. HOBBS. I find upon looking carefully at my figures that there are 11,000,000 head of cattle killed annually, the fat from some of which goes into the oleo oil for commercial purposes, some of it for soap stock and tallows.

MR. KNIGHT. It does go into something else?

MR. HOBBS. Of course. You know that. We are not babies.

MR. SPRINGER. Last year 166,000,000 pounds were exported.

MR. KNIGHT. You mean that all the fat that is good for oleo oil in the 11,000,000 is certainly utilized for oleo oil?

MR. HOBBS. Yes, and edible tallow and soap stock. They go into the various commercial sources or avenues. Fats go into soap and edible tallows go into the food product of Europe.

Mr. KNIGHT. Now, about oleo oil? Do you think it is all made from clean fat that comes from the slaughterhouses or abattoirs, or is it not a fact that a good deal of oil is made from the butcher's scraps collected from the butcher shops?

Mr. HOBBS. Not one manufacturer that I know.

Mr. KNIGHT. You do not think they are collected from the butcher shops?

Mr. HOBBS. They go into the tallows. The butcher shop fat renderers have never made any product but edible tallow from such fat. They had to secure the long fat of the abattoir before they could make even a No. 2 oleo oil. I have, about every month, a crank who comes into my office with a process which he claims will enable him to do this sort of thing. But no one has been able to get hold of a process in any of the plants that I know of to do such a thing.

Mr. KNIGHT. Is not the division of \$2,700,000 worth of fat used from beef in this country for oleo oil among 11,000,000 head of cattle a small matter? It figures about 14 cents a head.

Mr. HOBBS. The per cent used in this country is small; the per cent which goes abroad is larger, and both sources act as an escape valve or safety valve for raising the price on all the other oils and tallows of the beef.

Mr. KNIGHT. Look at it in this light and say what is your opinion of the fact. For instance, the condition that is brought about in the butter market by the displacement of 15,000,000 pounds of butter.

Mr. HOBBS. I will answer you by asking this question—I suppose I have a right to ask a question or two?

Mr. KNIGHT. Certainly.

Mr. HOBBS. Do the figures of butter sales disclose the fact that less butter is sold by 200,000,000 and some odd pounds than was sold two or three years ago?

Mr. KNIGHT. I do not think the oleomargarine product amounts to that.

Mr. SPRINGER. Is it your opinion, Mr. Knight, that the passage of this bill will increase the price of butter to the consumer?

Mr. KNIGHT. My honest opinion is that it would have the effect of temporarily advancing the price of butter 2 or 3 cents a pound.

Mr. SPRINGER. For how long a time, in your judgment?

Mr. KNIGHT. Until the idle cows could be brought into action.

Mr. SPRINGER. When there would be an increased supply, and that would depress the market again?

Mr. KNIGHT. If we can discriminate between oleomargarine and butter—if a man can tell when he is eating oleomargarine, we will have a demand for butter as butter, and when there is any elasticity in the market or any demand, it will be filled with butter, and butter will get the advantage of that.

Mr. SPRINGER. About how much a pound will this increased price of butter amount to, in your opinion?

Mr. KNIGHT. Of course, it is mere conjecture. In 1886 it was predicted that butter would go out of sight the minute the bill went into effect. But really the price of butter went down in 1886. That was the effect then. Everybody went into the manufacture of butter. Until the oleomargarine people got onto the ways of avoiding the law, we had our legitimate market. We do not want this eternal conflict between two interests where we are troubled every time we go into the market by finding another article taking the place of our goods.

Mr. SPRINGER. If there would be an increase, how much would it be in the event this bill passed?

Mr. KNIGHT. I am not up in that at all. If I could see into the future, I could make a good deal of money.

The CHAIRMAN. That is speculating.

Mr. KNIGHT. That is speculating. I do not think anybody could tell. We are disappointed, as you know by experience in all kinds of markets.

The CHAIRMAN. Mr. Hobbs, you had considerable to say about the impurities of milk?

Mr. HOBBS. Yes.

The CHAIRMAN. It is a dangerous article of food; is it not?

Mr. HOBBS. It is considered so by the New York Board of Health.

The CHAIRMAN. A good deal of it is used in the manufacture of oleomargarine?

Mr. HOBBS. Butter fat. Every oleomargarine manufacturer takes this butter fat as he gets it and puts it through a scouring machine, a cleaning machine. Last year I brought down here a jar containing the filth that the Armour Company got out of the butter fat that was to go into oleomargarine. It had been prepared for butter by the dairy.

The CHAIRMAN. There are some gentlemen here from Baltimore, who represent the milk interest who would like to be heard just now.

Mr. HOBBS. I would like to ask Mr. Knight how much butter was made and sold last year?

Mr. KNIGHT. About a billion five hundred million pounds.

Mr. HOBBS. How much three years before?

Mr. KNIGHT. I do not know that.

Mr. HOBBS. How much five years before?

Mr. KNIGHT. I can not tell you. There is no census on the subject. You will have to estimate it.

Mr. SPRINGER. I want to look at the prices of butter to see if they have not steadily increased ever since this oleomargarine legislation was suggested?

Senator SIMMONS. Mr. Chairman, I have to go now, and I would like to know about the hearing that you purpose giving to the cotton-seed oil representatives. They have not been given a hearing by this committee up to this time.

The CHAIRMAN. They were heard here last year and also by the committee of the House.

Senator SIMMONS. The gentleman who came here this morning is a member of the House, and I do not suppose he himself has any knowledge on the subject.

Senator DOELLIVER. That will hardly do. I have just left the House, and I could hardly subscribe to that.

Senator SIMMONS. I am speaking of his knowledge of this particular subject—this specialty.

#### **STATEMENT OF MR. JAMES HEWES, A MEMBER OF THE PRODUCE EXCHANGE, OF BALTIMORE, MD., ETC.**

Mr. HEWES. Mr. Chairman, and gentlemen of the committee, I represent the butter interests of Maryland. I am a member of the Produce Exchange of Baltimore, Md., and also vice-president of the Baltimore

City Dairy Union. My appearance here to-day is prompted by a solicitude for the welfare of this bill because of the fact that it was materially altered in the House, where the friends of the bill accepted it as the inevitable at the last hour. It reminded me so forcibly, as a repetition of history, of the act of 1886 that I could not help coming down here to warn our friends, as well as Congress, that they were about to adopt a bill that would not stand the scrutiny and the interpretation of the Supreme Court of the United States.

Everybody knows, yourself included, that I am a friend of butter first, last, and all the time. I was one of the framers of the act of 1886. The worst thing that we did in the act of 1886 was to permit the one word "annotto" to go into that bill. That little word has been the stumbling-block that has given us more trouble than anything else in interpreting State laws. This I know better than anyone else, unless they be as intimate as I am with prosecutions growing out of oleomargarine legislation. Of course, my profession is the law, and these gentlemen who are partial to me have continued me in my office of president of the Produce Exchange of Baltimore because of my former connection with them, and for fifteen years I have assisted in the prosecution of offenders under oleomargarine laws, and I know all the stumbling-blocks advanced up to this time.

It behooves Congress to go slow on all such measures as this. No one suspected for an instant that that word "annotto" would cause the trouble that it did, or any trouble at all. Because somebody said put in this, put in that, and put in the other, finally one member from the West said, What about the coloring matter?—and the word "annotto" was put in. Everybody connected with the dairy business knows that annotto is not used, and yet because it is in that act they say we are using something that is sanctioned by Congress.

In the last case that came from the court of appeals—the case of *Charles E. McAllister v. The State*—very much to our surprise Judge Fowler, in writing the opinion of the court, lost sight completely of the Plumley case. The Plumley case decided the question of original packages of oleomargarine imported into a State from another State, and presented the same fact—was on all fours with the McAllister case, and our court ignores that fact, does not mention one word about it. Judge Springer was talking about the Schollenberger case, which was a review of the law of Pennsylvania, an absolutely prohibitory law. In that case Justice Peckham could not help but affirm the decision of the Plumley case. That was the first affirmation of the decision in the Plumley case.

Plumley was arrested for selling to someone who knew what he was buying a package of oleomargarine in colored imitation of butter, which he took to Massachusetts and sold. Those are the facts that give us trouble in almost every State, because they say you can not regulate an article of commerce, can not do anything, because Congress has spoken on the subject.

But they ignored that fact. In this case of *McAllister v. The State*, Judge Fowler says "unless someone has been deceived." The act of 1900 of Maryland does not take hold of oleomargarine unless someone has been deceived. How can anybody be deceived by an original package of oleomargarine where it bears the label and the stamp and the price the person shall pay who buys it? Therefore there can not be any prosecution under the act of 1900 in the State of Maryland.

The first part of this section is necessary to give vitality to State laws—laws that have been passed along the line of the suggestion of the Supreme Court of the United States; laws that have been passed since the decision in the Schollenberger case as well as the decision in the Plumley case. The last case in the Supreme Court of the United States—the case of The Capital City—Mr. Justice White again affirms the decision in the Plumley case. And you can have affirming after affirming, and it will not benefit Maryland until you shall have given us an opportunity to legislate upon the subject.

Senator DOLLIVER. On page 2, line 10, of this bill there is a proviso—  
 “That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State, provided that it is manufactured and sold entirely within the State.”

Mr. HEWES. I am coming to that wooden horse in a moment.

Senator DOLLIVER. I would like to look at the inside of that horse myself.

Mr. HEWES. You did not have it put in.

Senator DOLLIVER. It was put in in the House.

Mr. HEWES. That is what I say—they put it in the original bill of 1886. In 1886 the House started to tax oleomargarine 10 cents a pound. We passed an act at 8 cents a pound. It was brought over to the Senate, and the Senate amended it, and I do not know whether it was the first day of August of last summer or last day of July, when the Senate in their wisdom made the amount 2 cents a pound. The bill was rushed back to the House, and what did we say? Better that than nothing—better 2 cents of tax and then to put it under the control and supervision of the Revenue Department than not to have it there at all, and we consented to the 2 cents a pound. That was a great error. We said that before we fathered this measure—we rather called it our bill; it is the dairy people's bill; it is for their protection primarily, and for the protection of the citizens of the United States secondarily.

When you come to this proviso, if you will remember the original bill, what is called the Grout bill and the Hill bill, and one thing or another—last year it had that proviso, and this year, too; that was all right—it simply said that there was nothing in this act that should be construed to prohibit the manufacture and sale of oleomargarine in the States, etc. For some reason or other somebody over in the House suggested the striking out of that proviso and the putting in of this proviso. I come to this with considerable hesitation, caution, and fear, because I am about to criticise the acts of the Congress of the United States, which is rather a bit of audacity on my part. But because of my experience, greater than that of anyone else in the United States in the prosecution of oleomargarine offenders, I know what I am talking about. I have prosecuted more than 90 persons a year ever since our first law of 1888 passed, and I know more than anybody else what we have to do. What does it say?

“That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State, provided that it is manufactured and sold entirely within the State.”

Now, that looks like a simple little sentence, yet to the suspicious it is full of meaning.



Dwarris on Construction says that every act must be construed according to the rule of common sense, and primarily the intention of the legislature must be inquired into. What is the intention of the legislature here? The intention is that oleomargarine, when it is colored, shall be taxed 10 cents a pound, and that every State should be permitted to legislate upon that subject. But we are compelled to ask Congress to please let us do so. Because we never delegated any police powers to Congress, we have no right to ask that they be redelegated to us. But we are here, and we do ask Congress to let us legislate on the subject of oleomargarine according to the dictates of our conviction, protection, and conscience.

What is the proviso here?

"That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State provided, that it is manufactured and sold entirely within the State."

How ridiculous that is—that nothing in this act shall be construed to forbid the citizens of any State to do a lawful act. That is the interpretation that will be put upon it. This law says it will not permit the State to permit its citizens to do anything which is in accord with the State laws on the subject of adulteration—along the lines of its laws on adulteration—and when it goes to the court for interpretation the court will say that Congress never meant to say that; there is no common sense in it. What is the good of the States asking Congress to permit their citizens to obey the laws. The courts will say that Congress did not mean that; that they have put the cart before the horse. It will be held that it should read "permit any State to forbid." That is what was intended, would say the Supreme Court of the United States, because it was obviously intended that you should not permit the States to forbid the manufacture and sale of oleomargarine. That is the only common-sense rule to be applied to it.

What would be the effect of that upon this law? The effect would be nugatory, or, if you please, to make it simply a piece of silly nonsense. You first say to Congress, let us legislate on this subject as we please, and then you say to forbid the State to permit the manufacture, etc.

That is only one of the errors in this proviso. I contend that the original proviso was unnecessary. It was stuck in there out of a superabundance of caution, to conform with the ideas of the Supreme Court of the United States. It was absolutely unnecessary; and when you put this in there you make yourselves the laughing stock of every court in the country.

Senator DOLLIVER. Would not the leaving of that out destroy the uniformity of this tax, and thereby vitiate the whole statute?

Mr. HEWES. The whole statute? When you say that nothing in this act shall be construed to do so and so in respect of taxing in the State, it has effect on the whole taxing clause. I have written on this subject to our friends in Congress, to the chairman there, and it seems to me there is going to be a conflict. But suppose the conflict amounts to no real repugnance, these oleomargarine offenders will take hold of one word and defeat the intention. We want it settled; we want it quieted.

Mr. Hobbs says, Who is to do the prosecuting? The individual is to

do it, because the authorities are not able to cope with the subject at all. My business is to prosecute cases when brought. I have not reached out to catch that man who is selling to a whole lot of people in Hagerstown. That is not my business.

If you should say to a policeman, "You had better look out for that man who is violating the law for the prevention of cruelty to animals," he would say, "I have no time to do that." Who does do it? The individual. Some kind-hearted citizen has the man arrested for working that poor sore-back mule. He who leads the child out of the slums is not the policeman. It is not the policeman's business to arrest anybody for selling oleomargarine for butter. He says that everything of that kind looks the same to him—all looks yellow. If oleomargarine were made of its original color, it would not be so. And I will take exception to what Mr. Hobbs has said, that that conglomeration would make it yellow. [Indicating vials of oil produced by Mr. Hobbs.] That oil which has been brought here is known to the trade as the highest grade of cotton-seed oil.

Mr. HOBBS. It goes into the manufacture of oleomargarine.

Mr. HEWES. I am going to tell the committee about that. The report of the commissioner is that  $3\frac{1}{2}$  per cent of that goes into oleomargarine and that 14 per cent of the cotton-seed oil that goes into oleomargarine is the ordinary cotton-seed oil. If you will take the three principal ingredients, not more than 20 per cent of that is neutral lard.

Mr. KNIGHT. There is no 20 per cent in it.

Mr. HEWES. I am giving the greatest quantity possible. And what do you get—your childhood vision of what is called clear starch; and the moment you add the ingredient for producing color you violate all the principles involved in this law. That is what Justice Harlan has called attention to in the Plumley case, namely, that the legislation is aimed against this colored oleomargarine to prevent the deception of the people.

Now, as to the pleasantries that Brother Hobbs has indulged in about spraying lemons and all that sort of thing. He says that if anybody wants to deceive another's eye about a lemon, it is still a lemon; if anybody wants to deceive another's eye about butter, it is still butter. Nobody is deceived. You can not make them believe it is June butter if it is not, and if it is June butter everybody knows it; it tastes fresh as it comes from the churn, and nobody is deceived when it is June butter. The coloring has nothing to do with it, he says, because it is not of the necessary ingredients of oleomargarine. And Brother Hobbs introduces his sesame oil. That is another ingredient of oleomargarine. If he wanted it, it could not go in there if that word were not left there.

Mr. HOBBS. We do want it.

Mr. HEWES. They can get menthol oil of a proper consistency. We are not talking about the price of things. Mr. Knight asked you questions and you asked him questions about the increase and decrease of the price of butter. You are begging the question. My experience since 1886 shows that legislation has resulted in a decrease in the price of butter and not an increase, because the farmers were stimulated to do their best. I have not seen the time when butter did not decline, as it did after the legislation of 1886. This will not have the effect of raising the price of butter. But whether it does or

not, the price of butter has nothing to do with the legislation. What I ask is that this act be passed.

I will not take up more time of the committee.

Senator DOLLIVER. Have you sufficiently studied the law question involved as to make up your mind that that proviso, without any additional modification, would create a want of uniformity in this tax as applicable to the whole United States?

Mr. HEWES. I think so.

Senator DOLLIVER. And thereby undermine the validity of the whole statute?

Mr. HEWES. I think so, as I wrote to the chairman the other night. I could not go to sleep, and I wrote to Mr. Tawney on the subject. I said the more one takes that act and compares section 1 with section 8 the more he will be convinced that there is a conflict, that there is repugnancy, and it should not be passed into legislation because of the trouble it is to give. Who put that proviso there? That is the point to be decided. Was he a friend of the dairies? No; he was not.

Senator DOLLIVER. Who was he?

Mr. HEWES. He must have been one who had an analytical mind. Allen put it there.

Mr. KNIGHT. Scott put it there.

Mr. HEWES. Who is Scott; of Kansas? Does he represent the live-stock interests, as my brother here? At all events, he is smarter than most of us. He is a smart man. He has been before the courts. He knows the rules of interpretation. He knows that that will not be interpreted as it is written. My knowledge of law furnishes me the information that that very word is a stumbling block put in the way of proper prosecution. If the opponents of this bill can fight that for two more years, will it not be two more years before you can get a construction? In the meantime we will be standing by, seeing the dairy's interest paralyzed and the oleomargarine interest growing.

When the subject of oleomargarine was first introduced, we looked upon it as a 16-block toy. Nobody took it seriously. And when it was said that the tax on oleomargarine would produce a revenue of \$1,000,000, everybody smiled. But it grew to \$1,750,000. As comprehended by Brother Knight's question, if oleomargarine will produce a tax of \$1,500,000 it will displace so much more butter. As I have said, I have prosecuted more than 90 cases a year, assisted the State and the United States in prosecutions under the act of 1886, and I say positively and without fear of contradiction that 90 per cent of the cases and over have been actions for deceptions, where parties have bought what they supposed was butter, but which turned out to be oleomargarine.

Senator DOLLIVER. There is one honest oleomargarine dealer in the country.

Mr. HEWES. Mr. Wright?

Senator DOLLIVER. Yes.

Mr. HEWES. He furnishes the case of *Wright v. Maryland* in 91 Maryland. Then he was prosecuted in the United States court because he would not do right. And I do not know but what he is all the time being prosecuted.

Senator DOLLIVER. He seemed to be doing a square game when I talked with him.

Mr. HEWES. Doing what square?

Senator DOLLIVER. He had a sign.

Mr. HEWES. Does he not know that there is no law to permit that? He is doing that to deceive the people. The law of Maryland says that if oleomargarine is colored yellow you shall not sell it at all.

Senator DOLLIVER. He was doing what he said he was doing.

Mr. HEWES. He is doing what he was compelled to do in 1886 under the national law. There are two laws in operation in Maryland. He snaps his fingers at the Maryland law, but he could not if it were taxed 10 cents a pound. Do that and cut your tax down to the minimum of one-fourth of 1 per cent on uncolored oleomargarine and there will be more of it manufactured. Then everybody will know what it is. It will not deceive the man who buys it. But as long as that color is there it is too much of an inducement for mankind to make money improperly. That is the reason that we ask that it be heavily taxed.

Senator DOLLIVER. Do they find anybody who will eat the uncolored article?

Mr. HEWES. They have the uncolored article for sale in Maryland, I know. After the decision out in Illinois the necessity for showing both kinds arose, and I have carried before the jury a piece of uncolored as well as a piece of colored oleomargarine that the jury might determine whether there was any coloration.

Senator DOLLIVER. What would be their prospect for a market? I am getting at the question of whether or not this tax would obliterate their business.

Mr. HEWES. By no means.

Senator DOLLIVER. Whether the people could be trained up to eat the manufactured article without coloring.

Mr. HEWES. I think so, without doubt. I think the natural trend is toward uncolored or unsalted butter to meet this new taste, this fad that has come on here from Europe. You go to the hotels in New York—the Holland House, for instance—and they will furnish you uncolored or unsalted butter on your table in little pats. You will wonder why people ask for it. They are delighted with it. It is fresh churned that day. It meets the demand of the day. If it is so as to butter, why should it not be so as to oleomargarine? The color does not appeal to the palate at all, and oleomargarine will taste just as bad without color as with color. We all know that. The fact is, it is sold with color as a substitute for butter, and it can be bought cheaper. But the prejudice against the white color will be overcome even more quickly than the prejudice against white butter. The people will fall into line.

Something has been said about high taxes producing more revenue. I do not look upon it that way. I look upon that 10-cent tax as tending to reduce the revenue, because the oleomargarine manufacturers will make more of the uncolored product, and they will sell it to the people because it is oleomargarine. I am giving you my judgment.

Senator DOLLIVER. Your judgment ought to be good.

Mr. HEWES. I give you my experience of twenty-five years as a butter merchant in the city of Baltimore. I know how tastes change. I know how impossible it was at one time to sell the Canadian product, because it was salted. But the people overcame that prejudice and we could sell it. And so with the first importation of Irish butter. We had the same difficulty with it. With California butter it was the

same. People said the California butter was horrid. They were not used to alfalfa feed that was given the stock. And it is a matter of history that California butter is sold carload after carload.

I do not believe there is to be a deficiency in the manufacture of butter. Perhaps we may consume our product here. That is the view that I have, with others. We will consume our product instead of exporting it. Everybody knows that during the months of June and July most of our butter is exported. It goes over on the other side, and when prices advance it is brought back and sold again.

Mr. SPRINGER. It is the opinion of men engaged in the manufacture of oleomargarine that if this bill should pass it will end the manufacture of colored oleomargarine, and whether they will get sufficient demand for their goods in the uncolored state to warrant them in continuing in the business is a problem they can not solve. But they are all of opinion that it will be a product that will not allow them to exist.

The CHAIRMAN. We will now adjourn, with the understanding that we will close the hearings to-morrow, when we will hear the cotton-seed oil men.

Thereupon (at 1.15 p. m.) the committee adjourned.

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WASHINGTON, D. C., *February 19, 1902.*

The committee met at 10.30 o'clock a. m., pursuant to adjournment.

Present: Senators Proctor (chairman), Hansbrough, Dolliver, Money, Quarles, and Simmons; also Messrs. William M. Springer, Charles Y. Knight, and Albert S. Burleson.

#### **ADDITIONAL STATEMENT OF ALBERT S. BURLESON, MEMBER OF THE HOUSE OF REPRESENTATIVES.**

Mr. BURLESON. Gentlemen of the committee, I regret exceedingly that an opportunity was not given me to ask the representatives of the cotton-seed oil industry and the cattle industry in my State (Texas) to appear before the committee and have a hearing upon this subject.

The interests in my State which are to be affected by this bill are of considerable magnitude. I have no hesitation in saying that this measure is without a precedent in Congressional legislation. It marks a new era in Congressional legislation, where the strong within our own midst are to be permitted to prey upon the weak. The purpose of this measure is very plain. It is to use the taxing power of the Government to strike down one legitimate industry in order that another may be made more profitable.

This is not a revenue measure, and I think the gentlemen who originated or conceived this measure no longer contend that it is the revenue measure. The gentlemen who had charge of the matter on the floor of the House made no pretension that there had ever been any attempt or effort to calculate the amount of revenue that should be raised. In fact, we all know that we are reducing the revenues of the Government at this time instead of making an effort to increase them.

We all know that the real purpose of this measure is, as has been declared by the gentlemen who have spoken for this measure before

the two committees, to destroy, if possible, the oleomargarine industry. I have no interest in the oleomargarine industry whatever, but I say that the real purpose of those gentlemen was made plain in the hearings had before this committee and the committee at the other end of the Capitol. The president of the dairy organization which is behind this measure—I do not know that he was under oath—made the statement before the committee that this measure was repressive, or rather intended to be repressive taxation. I understand that another officer of that organization, its secretary, declared that it presented an opportunity “to clip the fangs of the mighty octopus,” or throttle this great oleomargarine monster, and another gentleman, who I understand is the vice-president of that organization, which is actively behind this measure, declared that it was their purpose “to drive the oleomargarine people out of the business.”

Now, gentlemen, I do not believe there is a man here who, if he will investigate the question for himself, will reach any other conclusion than that that is the real purpose of the measure you are considering. If that is the purpose of the measure it is a species of vicious legislation and should not be permitted. A tax of 10 cents a pound on yellow oleomargarine will necessarily decrease the quantity of yellow oleomargarine that is manufactured, and it is the yellow oleomargarine that the people desire to buy (for reasons which I will give in a few minutes), and if you decrease the quantity of yellow oleomargarine, unquestionably it will affect the value of every product that enters into its composition.

Now, in the first place, why is it that the manufacturers desire to make yellow oleomargarine? It is a matter that addresses itself to every man as a plain, common-sense proposition. They want to make their product as palatable looking as possible. For instance, to illustrate, you might be very fond of French peas, but you would not care for the French pea if it was colored a sky blue or a vermilion hue, though it could be accomplished by the use of a little cochineal, and would be perfectly harmless. It would destroy the sale of the French pea if it was colored a vermilion hue, just as it will destroy the sale of oleomargarine, or seriously affect its sale if you do not permit the manufacturer to color it yellow, for the reason that the people want a table food that is palatable looking. They have not been advocating here the proposition that this is an unhealthful product. I do not believe there is anybody who is contending for that now. They only contend that they want to prevent the perpetration of a fraud by preventing them from coloring oleomargarine to imitate butter.

Now, if this industry is to be affected, if the proposed measure has the effect that these gentlemen who are behind it think, what will be the inevitable consequence? Three products which are produced in my State will be materially affected. First, cotton-seed oil. The advocates of this measure contend that very little cotton-seed oil is used in the manufacture of oleomargarine, but the Cotton-Seed Crushers' Association of my State, discussing the original Grout bill—which is in effect this measure—reached the deliberate conclusion (and they are parties at interest) that it would depreciate the value of cotton-seed oil to such an extent that they could only pay the farmer 75 or 80 per cent of the price for his cotton seed they are now paying him. That will seriously affect the cotton planter, and growing cotton is the greatest industry in my State.

Furthermore, it is an admitted fact—and there is no controversy as to this proposition—that it will affect the price of cattle. Texas is the largest cattle-producing State in the Union. Next in order is the State represented by the Senator from Iowa (Mr. Dolliver). Members of the Cattle Association, being the parties affected by this measure, may exaggerate the effect that it is going to have on them, but they have made the calculation, and have repeatedly expressed the opinion that it would depreciate the value of cattle in the United States \$22,000,000 if this measure is passed.

Now, gentlemen, you can readily see the effect that the proposed measure would have directly upon the producers of my State. We are a poor people in the South, and the suggestion has been repeatedly made that the reason we continue poor is because our interests are not diversified. Often the advice has been offered us to develop some manufacturing industries in our State. As you may know, this is the advice or suggestion that is offered to us by people from the other section, who are skilled in the accumulation of money. Now, we have accepted that advice and we have developed one manufacturing line in Texas. We have 156 cotton-seed mills, and they have materially increased the value of our cotton seed. It is practically the only manufacturing industry that we have in the State of Texas, and by this legislation, in order to put more money into the pockets of a particular class, you propose to seriously impair the value of the only manufacturing industry of importance that we have. We have invited many Northern capitalists to invest their money in this industry. Many Northern gentlemen have invested their savings in cotton-seed oil mills. They are the parties at interest. They may be mistaken about it, but they sincerely and honestly believe—and I speak now because I have received letters from the gentlemen who are interested in those cotton-seed oil mills—that the value of their product will be very greatly impaired.

Now, when you consider that this is an effort to use the taxing power in order to affect three of our principal interests—the only manufacturing industry, you might say, that we have, and the two principal industries in my State, cotton growing and cattle raising—you can understand why I feel such a deep interest in this matter.

I desire to call the attention of the committee to another proposition. I may be mistaken about it, but my deliberate judgment is that if this measure becomes a law it will return to Congress many times as a precedent to vex and harass Senators and Congressmen. Now, why do I say that? Because it is the recognition of a right to use the taxing power in order to build up one industry at the expense of another. You are beginning the development of the beet-sugar industry in one section of the country—in Michigan, Colorado, and the Northwest; I do not know whether it has been attempted in Iowa or not.

Senator DOLLIVER. They are talking about it.

Mr. BURLISON. They are talking about it in Iowa, as the Senator suggests. Now, would it be fair—how would it strike you if the sugar producers of Texas and Louisiana came before Congress with a measure, and advocated its enactment into law, which provided that there should be a tax of 2 cents a pound on all beet sugar, and that it should be labeled to distinguish it from cane sugar? We all know that everybody prefers cane sugar to beet sugar. As a matter of fact, I may say that it is no more healthful, but I will venture the assertion

that the man who is engaged in the beet-sugar business himself prefers for his own use the cane sugar. Is there any difference in principle between a measure of that kind and this? If so, what is it?

Now, they say, let us enact this in order to prevent a fraud. I may say that the substitute, which has been offered for this measure, guards the people against the perpetration of fraud. If you analyze the substitute you will find that it provides that you shall sell oleomargarine only in 1 and 2 pound packages; sell it from the boxes in which it was originally packed, and that it shall be wrapped in a cloth; that it shall be stamped "oleomargarine;" but, first, with sunken letters in the oleomargarine itself, and wrapped, as I say, with a cloth, upon which shall be printed "oleomargarine." Then it must be wrapped with a revenue stamp, that the retail dealer shall not break before a sale is made.

Now, what stronger law could possibly be had? I do not want to deceive anybody. I do not want to assist anybody in the perpetration of a fraud, but I do stand here and earnestly insist that the great industries in my State be not stricken down in order that money may be put into the pockets of some persons engaged in another line of business.

Now, let me call your attention to another feature of this bill which is discriminating in its character. Right within the very body of the bill is a discrimination against butter itself, and I will show you why. They tax oleomargarine that is colored yellow 10 cents a pound, which comes into competition with yellow butter; but if there is such a thing as white butter, they do not put any tax on—only one-fourth cent per pound on white oleomargarine, that comes into competition with white butter. It is a species of class legislation that discriminates against white butter. I believe that upon a close analysis of this measure it will be seen that it is not uniform taxation, for the reason that if you are going to tax butter you ought to tax all butters alike, and if you are going to tax oleomargarine you ought to tax all oleomargarine alike. White oleomargarine, practically untaxed, will come into competition with white butter, and yellow oleomargarine, heavily taxed, will come into competition with yellow butter. I merely offer this, without having given it much thought, as a matter for your consideration.

Now, I regret exceedingly that you will not afford me time to have the people from my State who are directly interested in this measure here to discuss it before you.

The CHAIRMAN. We have had quite a delegation of them here, and we gave a very full hearing to the Texas people. We did not suppose that there was anything especial in the matter you have suggested.

Mr. BURLISON. If the chairman pleases, if you have given an additional hearing to the dairy people, in justice to the people who raise cotton and to the people who raise cattle I think the committee should give them a hearing.

The CHAIRMAN. We have given the dairy people no hearing at all upon this point. Mr. Knight occupied a short time in making a statement on Saturday to the committee.

Mr. BURLISON. I do not know that I care to say anything else. I thank you for the little time I have consumed.

Senator DOLLIVER. Of course, if your alarm about the cotton and cattle industry is well founded, a great deal of weight and consideration should be given to your suggestion if you have made a personal study of the actual facts of the case.



Mr. BURLISON. If the Senator pleases, the people who are being affected by this legislation have carefully investigated it, and they all earnestly declare that it will seriously affect them.

If the committee will pardon me, I will make one further suggestion. I have no interest whatever in the oleomargarine business, but the Armours and the Swifts have recently determined to erect in Texas, at Dallas and Fort Worth, large packeries, and, as I also understand, other manufacturing establishments incident to and connected with large packeries. The cotton-seed oil manufacturing business and those packeries are the beginning of the development of the manufacturing industries of our State, and it does strike me that it is inopportune, at this particular time, that there should be drastic and unprecedented legislation of this character that will strike at both of them.

Senator QUARLES. Are those the weak parties that you referred to—the Armours and Swifts? Are they the weak people who are going to be oppressed by this legislation?

Mr. BURLISON. No, sir. I incidentally referred to that as the beginning of the development of the manufacturing industry in my State. The people who are to be affected, if you please, are the farmers who raise 1, 2, 3, and 4 bales of cotton, and who raise from one to a half dozen head of beef cattle which they put on the market in the fall, and also the stockman engaged in business on a larger scale.

Senator DOLLIVER. You have a considerable dairy interest in Texas, have you not?

Mr. BURLISON. Yes, sir; but I am gratified that there has not been one person engaged in that business in my State who has appealed to me to support this legislation in order to tax his neighbor for his benefit.

Senator DOLLIVER. We have a great cattle industry in Iowa, and I had a letter from a farmer the other day in which he said he knew of many raisers of steers in Iowa who were insisting upon their right to sell them for the purposes of butter.

Mr. BURLISON. There is no raiser of a steer in my State insisting upon his right to sell the steer as butter. I am not insisting that anybody be permitted to sell oleomargarine as butter. On the contrary, I am heartily in accord with any effort that may be made toward the prevention of fraud of any kind, but I do say that when you abandon a measure that is directed against a retail dealer who is committing this fraud, and direct it against another set of individuals who are not perpetrating a fraud, it is a rank injustice. Now, let me set myself right on that proposition. We all admit—even the gentlemen who are especially insistent upon the passage of this measure—that the manufacturers of oleomargarine observe the law.

Senator DOLLIVER. They claim also that the manufacturers pay the expenses of those who do not observe the law.

Mr. BURLISON. I know nothing about that. They admit also that it is the retail dealer who is violating the law, and yet they do not direct this measure against the retail dealer, but they propose to tax indirectly the products of Texas and the South in order to directly affect the manufacturers of oleomargarine, who, they admit, are not violating the law.

Senator DOLLIVER. You have never doubted the friendliness of the Secretary of Agriculture, have you?

Mr. BURLISON. To the interest of the agriculturist. No, sir; not at all.

Senator DOLLIVER. He has given very elaborate testimony here that the salvation of the South consists in the encouragement of the legitimate dairy interests as against a too general cotton-raising business.

Mr. BURLESON. I have great respect for the learned and able Secretary of Agriculture, but I desire to say that in that position he is incorrect. I believe he is the best Secretary of Agriculture that we have ever had, but I do not think he is correct in that statement.

Senator DOLLIVER. I presented to him at the last session of Congress a telegram from a cattle dealer in my own State about this hostility of the oleomargarine legislation against the beef-cattle industry, and he read it and said that the cattle dealer did not know what he was talking about; that he does not understand this question.

Senator HEITFELD. Why should the Secretary of Agriculture say such a thing as that? Why should he know more than the man himself about his own business?

Mr. BURLESON. The fact remains that the American people, in any line of business, are the shrewdest people in the world, and all of them who are engaged in this particular line of raising cattle do not agree with the Secretary of Agriculture. If it was not going to affect them, why should they care about this legislation?

Senator DOLLIVER. They are alarmed. He is not. He bears testimony that is suggested by his studies of the general question. For instance, he finds that the dairy interests of the Northern States are consuming very much more cotton-seed meal than these oleomargarine manufacturers are consuming of cotton-seed oil.

Mr. BURLESON. That may be, but the Senator will admit that if you strike down one use of any product you depreciate the value of that product. When you strike down the use of cotton-seed oil as a constituent part of oleomargarine, just to that extent you affect the value of cotton-seed oil, and so far as the cattle raisers in the Northwest not being alarmed about this measure, I can say that it goes beyond alarm. The prospects of the enactment of this law has very nearly demoralized them. They feel that it is going to become a law regardless of what may be said by way of argument against it, and regardless of the extent to which the value of their product will be affected by it.

Senator HANSBROUGH. Has the price of meat depreciated as a result of the passage of this law?

Mr. BURLESON. I am not prepared to answer that question. I would like very much indeed if you would give me the opportunity to have the president of the Cattle Raisers' Association of my State come here and answer that very question.

Senator QUARLES. I can answer it from my own butcher's bills.

Senator MONEY. If I may interrupt you, the remarks of the Secretary of Agriculture, as I recall them—I have not a very circumstantial memory—were directed to the importance of the cow's improving poor soil more than anything else.

The CHAIRMAN. He did lay special stress upon that.

Senator MONEY. It was cultivated soil—which he remarked was appropriate to my State, as far as that went—but I do not consider that any argument in favor of a bill that was framed for a revenue measure when we do not need any revenue. As the consumers who were before us very appropriately remarked, it is a misnomer and, therefore, a fraud. I believe that was also what the Secretary said about it, that we did not need any more revenue because we had more revenue now than we knew what to do with.

Senator DOLLIVER. My recollection of Secretary Wilson's argument—and it made a very deep impression upon me—was that the very existence of cotton, cattle, and every department of agriculture depended on the prosperity of the cow and her calf. That was his statement, I believe.

Senator MONEY. It was mainly that they were to fertilize the land more than anything else. I recollect that he spoke of the cowpea, and that the cow and her droppings were to fertilize the soil.

Mr. BURLESON. Gentlemen, I think I have said all that I can say at this time. I desire to return my thanks to the committee for even the limited time you have accorded me.

The CHAIRMAN. We heartily reciprocate your expressions, and desire to thank you for your very interesting discussion of this matter.

### ADDITIONAL STATEMENT OF WILLIAM M. SPRINGER.

Mr. SPRINGER. Mr. Chairman, if you will pardon me, I desire to submit an amendment this morning which grows out of a suggestion made by the Senator from Wisconsin [Mr. Quarles] in regard to the power of Congress to deal with the subject of renovated butter where it was manufactured and sold exclusively in the States. He indicated by his suggestion that that being purely a State matter this legislation which is in the bill now, and which is embodied in section 4, would not reach it.

I desire to ask the committee when it goes into executive session to consider the amendment which I propose, which may be called section 5, as it may appropriately follow section 4. It is as follows:

"SEC. 5. That for the purpose of this act certain substances, fats, oils, fluids, extracts, mixtures, compounds, and products, including such mixtures and compounds with butter and made in imitation or semblance of butter, shall be designated as 'renovated butter,' namely, butter which has been melted and its rancidity removed or masked, and which has been regranulated, colored, and prepared in imitation or semblance of genuine butter; or any article or compound produced by taking original packing stock butter, or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, and then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk products, and reurning or reworking the said mixture; or in any article or compound produced by mixing or compounding with or adding to natural milk or cream, packing stock, or other butter, and animal fats, or animal or vegetable oil, or any oleaginous substance not produced from milk or cream; and any article or compound produced by any similar or other process than commonly known as 'boiled,' or 'process,' or 'ladled,' or 'tub,' or 'renovated' butter, with or without common salt, with or without coloring matter, and made to resemble genuine butter."

What I will read to the committee now is a part of the same section, after I have defined butter:

"That the provisions of an act entitled 'An act defining cheese, and also imposing a tax upon and regulating the manufacture, sale, and importation and exportation of filled cheese,' approved June 6, 1896, except the first and second sections thereof, shall apply to renovated butter, as defined in this act, and the words 'renovated butter' shall be, for the purposes of this act, inserted in said act, wherever the words

'filled cheese' appear in said act; and the tax upon filled cheese, and the special taxes upon the manufacturers thereof and the wholesale and retail dealers therein, and all the penalties, rules, and regulations imposed on filled cheese shall be, and they are hereby, made applicable to renovated butter."

I have the filled-cheese act here, and I desire to call the attention of the committee to it very briefly. It is printed in volume 29 of the Statutes at Large, on page 253. The first and second sections simply define what this act recognizes as cheese; and the second section, what is known as filled cheese; so that would not apply here. The other sections impose a tax on the manufacture of filled cheese, and a special tax on wholesale and retail dealers therein, and the manner of its disposition.

Now, I want to call the attention of the committee to the means adopted by Congress for the purpose of identifying this article in its sale so as to prevent imposition or fraud upon the people, and that is just what I think ought to be done so far as oleomargarine is concerned, and when you have done that you will have accomplished what the friends of this legislation say they want to accomplish, namely, that it be sold on its merits. We were told a few minutes before the committee assembled that there was very little filled cheese made in the United States at this time; that this legislation so completely prevented the sale of it that what was made in this country was exported to foreign countries.

I will read section 6:

"SEC. 6. That filled cheese shall be packed by the manufacturers in wooden packages only, not before used for that purpose, and marked, stamped, and branded with the words 'filled cheese' in black-faced letters not less than two inches in length, in a circle in the center of the top and bottom of the cheese; and in black-faced letters of not less than two inches in length in line from the top to the bottom of the cheese, on the side in four places equidistant from each other; and the package containing such cheese shall be marked in the same manner, and in the same number of places, and in the same description of letters as above provided for the marking of the cheese; and all sales or consignments made by manufacturers of filled cheese to wholesale dealers in filled cheese or to exporters of filled cheese shall be in original stamped packages. Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Every person who knowingly sells or offers to sell, or delivers or offers to deliver, filled cheese in any other form than in new wooden or paper packages, marked and branded as hereinbefore provided, and as above described, or who packs in any package or packages filled cheese in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall upon conviction thereof be fined for each and every offense not less than fifty dollars and not more than five hundred dollars, or be imprisoned not less than thirty days nor more than one year."

Now, Mr. Chairman, that law has been perfectly and absolutely effective in preventing fraud on the people in the sale of filled cheese for the genuine article.

Senator DOLLIVER. Mr. Hobbs did not seem to take that view of it yesterday.

Mr. SPRINGER. Did he say anything about filled cheese?

Senator DOLLIVER. Yes; he said it was sold by the grocers in New York very generally.

Mr. SPRINGER. Well, not to any very great extent. How much did you say it was, Mr. Knight?

Mr. KNIGHT. Two hundred thousand pounds, I believe.

Mr. SPRINGER. Two hundred thousand pounds a year. Why, you could use that up in Iowa without any detriment to their health.

Mr. KNIGHT. Inasmuch as I have been brought into this matter, I desire to state that it is a different class of people from those engaged in the oleomargarine business.

Mr. SPRINGER. I contend that our people are all alike. You can not classify merchants, and say that that class will defraud people and that class will not. These are all people dealing in provisions, and the same man who deals in filled cheese deals in oleomargarine and butter.

Senator DOLLIVER. They call it "process" or "renovated" butter. Where did the name "renovated" butter come from?

Mr. SPRINGER. They call it process butter, because that is a more palatable name. The man who wants to sell it calls it process butter, and the man who consumes it calls it renovated butter; but it is really renovated butter.

Senator DOLLIVER. We might as well call it by the name the manufacturers call it by.

Mr. SPRINGER. You might. Process means that they have adopted a process by which the rancidity can be taken out of it and the consumer can be made to believe for the moment that he is eating the genuine article. If that is not a fraud on him, then it is for this committee to determine what would be a fraud. It is a process and they call it process butter, but the consumer generally calls it renovated butter, and the committee can take its choice of words. So far as the renovated butter is concerned, all that is necessary is to put it under the same regulation that Congress has put filled cheese by a well-considered act. In fact, I do not know of any act that is as well considered as this one. If you will examine it in detail you will find that it covers the whole subject very fully.

Senator DOLLIVER. I am very familiar with that act. I helped to make it myself.

Mr. SPRINGER. Well, that accounts for it then. That makes it all the better. I will call this the Dolliver act, if you will permit me.

Senator DOLLIVER. No; I am not entitled to such distinction as that. The passage of that act was procured in the Ways and Means Committee of the House.

Mr. SPRINGER. Well, it is a very good act, and has been effectual in accomplishing the ends desired without subjecting Congress to the charge of legislating for the purpose of actually destroying an industry under its power of taxation. The legislation was perfectly appropriate to the object in view, and it has accomplished that object, so that now only 200,000 pounds of this article have been consumed in the United States in a year. The report of the Commissioner of Internal Revenue for the year ending June 30, 1901, page 176, contains a statement in reference to filled cheese, from which it appears that the amount of filled cheese withdrawn for export for the two years ending June 30.

1901, was 2,779,755 pounds; and the amount withdrawn during that time for domestic use was only 100,683 pounds, or only 50,000 pounds a year.

Now, you should apply the principles of this act to renovated butter, for renovated butter calls more loudly upon Congress for such legislation than filled cheese did, because filled cheese did not consist of unwholesome articles, but renovated butter does consist of unwholesome articles. It is a subject much more worthy of your consideration, and, as another Congress has gone into all the details of the matter and enacted a law which has been put into practical operation, and has accomplished the object which Congress had in view, I invite you, simply for the purpose of this act, to take this act that our distinguished friend from Iowa [Mr. Dolliver] had a hand in maturing—take it and insert in this act wherever you find the words “filled cheese” the words “renovated butter,” and it will be executed, and you will find that the whole subject of renovated butter, if sold for genuine butter, will be eliminated from the commerce of the country and the business of the country.

Senator DOLLIVER. Your statement, taken into consideration with that of Mr. Hobbs, would seem to leave us nothing to eat but oleomargarine.

Mr. SPRINGER. It will come to that in the end, and when you are traveling over the country and taking your meals at hotels and restaurants you will call for oleomargarine, because when you get that you will know that you are getting something that is not only safe, but absolutely clean.

Senator DOLLIVER. I have no doubt that that time will come. You were in Congress when we were framing the measure relating to lard, and we have both lived to see cotton-seed oil lard sold on its merits as cottolene, with a certificate that it does not contain any hog fat.

Mr. SPRINGER. Yes; we were deceived at that time into believing that there was something deleterious in cotton-seed oil.

The CHAIRMAN. Your claim is that the process butter should have some such law applied to it as is applied to filled cheese.

Mr. SPRINGER. Yes, sir. If you will take that law and apply it to renovated butter you will have no trouble.

The CHAIRMAN. It would require a good deal more machinery than that section in this bill provides.

Mr. SPRINGER. You will find all the machinery in the filled-cheese law. It is most elaborately drawn up. I have not seen an act for years that is more elaborately drawn than that one. If you will insert filled cheese for renovated butter you will have a perfect act.

The CHAIRMAN. This section does not provide for that.

Mr. SPRINGER. Not the section in the bill. Let me call your attention to the fact that section 4 in the bill is not a taxing provision, and is not affected by the proposition I have just submitted. Section 4 relates to the Agricultural Department and the inspection clause where foods are inspected solely for the purposes of sanitation.

The CHAIRMAN. Your idea would be to amend this bill by adding what?

Mr. SPRINGER. By adding this section that I have already read to the committee. Section 4 does not need to be interfered with at all. That relates to another subject and comes under a different class of Congressional power, the power of inspection of meat products that

are subjects of interstate commerce. This comes under the taxing power for the purpose of taxing these products as Congress may see fit to tax them.

Senator QUARLES. In other words, Judge Springer's position is this: Any man who is advocating this legislation as legitimate taxing legislation can support the process-butter provision with Judge Springer's amendment; otherwise he could not, as it stands now in the bill, and if he supports this measure as a taxing measure, he could not support the process-butter proposition as a taxing measure, while under this amendment he can.

Mr. SPRINGER. I voted for the Hatch bill when I was in Congress.

Senator DOLLIVER. You were a very vigorous defender of farmers at that time.

Mr. SPRINGER. Yes; and always have been.

Senator SIMMONS. Is your suggestion that oleomargarine as well as butter shall be put under the same regulations as filled cheese?

Mr. SPRINGER. No; oleomargarine is provided for in this bill, and in a different way from filled cheese. The amount of tax on wholesale and retail dealers is fixed by law in regard to oleomargarine. When my attention was called to the filled-cheese law, I got the statute and I went over the subject very carefully and found that act was much more applicable to renovated butter than the oleomargarine law.

Senator QUARLES. It is perfectly in harmony with the provisions regarding oleomargarine.

Mr. SPRINGER. Yes, sir; perfectly in harmony with it.

I hope this oleomargarine bill will not pass, for I think it is very bad legislation in the shape it is in. With a tax of 10 cents a pound on oleomargarine it is a repressive measure and is intended to wipe out the oleomargarine industry. But if you are going to pass it, let there be some good in it, if possible, in the direction of protecting pure food in this country, and you can not do a better thing, if you do not do anything else on the subject of pure food, than to take the whole of this renovated butter business and place it in the same position as we did filled cheese.

Senator DOLLIVER. Without adding such a tax as would make it a burden on the consumer.

Mr. SPRINGER. Yes, sir; just taxation enough to secure a proper inspection. The tax on filled cheese is 1 cent a pound, and that should be the tax provided for in this act in reference to process butter, which, on 100,000,000 pounds would be \$1,000,000, and that would probably be enough to pay for the inspection. I should think that a tax of 1 cent a pound on renovated butter would reimburse the Government for all the expenditure incurred by reason of the enforcement of that provision.

Senator MONEY. Would it not be well to have it on filled cheese, oleomargarine, and butter? All you want is to prevent fraud.

Mr. SPRINGER. I have no objection to one cent a pound on all of them, and make no distinction in regard to color, unless the dairy people will be willing to accept some color which the Secretary of Agriculture may designate. I am willing that he shall fix it.

Senator DOLLIVER. Those three articles [referring to three bottles] that you have before you seem to produce a comparatively white product.

Senator HEITFELD. It seems to me, taking into consideration this

schedule here, given in the hearing, that Mr. Knight has not put enough of that oleo oil in there. It contains 34 per cent of the neutral lard and 26 and some fraction of the oleo oil. You have put in there more than twice as much lard as oleo oil.

Mr. KNIGHT. These bottles were perfectly filled up. In that case [referring to one of the bottles] look at the amount of cotton-seed oil which has been put in—which is the yellow. That bottle was not full. That is about 30 per cent, and these should be about 20 or 25, and in this I put in about 15 per cent.

Senator MONEY. How do the best New York hotels take the color out of butter, or decolor butter which is naturally yellow? How do they get the natural yellow out of it?

Mr. SPRINGER. They do not get it out. Butter made this season of the year is almost white; there is no natural color in the butter for the reason that from June until December it takes all the shades of yellow that are known to science.

Senator DOLLIVER. If you will permit me at this point I would like to read from a letter received from the food commissioner of Michigan, Elliot O. Grosvenor. He says:

"Our fight in Michigan has at least demonstrated one thing, and that is that absolutely uncolored oleomargarine can be sold to legitimate, honest purchasers about as readily as the product colored in imitation of butter. You will mark that I said the 'honest' buyer. In Grand Rapids, this State, there is a very honorable groceryman, B. S. Harris, by name.

"Mr. Harris has sold oleomargarine for a number of years and, when the anticolor law went into effect last fall, refused to receive shipments of the colored kind. After several requests, he finally secured some uncolored, a sample of which I have, and which I can assure you is as white as snow, almost; at any rate, it has no visible creamy tint, and an analysis shows it to be without artificial color. Mr. Harris told me the other day that he practically sold as much of the uncolored as he formerly sold of the imitation product, which shows to my mind that where a dealer has a legitimate trade for oleomargarine he can handle it as satisfactorily uncolored as though it were an imitation of yellow butter. It should also be borne in mind that Mr. Harris does business on the outskirts of the city, among, I should imagine, a settlement of what might be termed 'skilled laborers,' employed in the Grand Rapids Furniture Factory. They buy this product for their own tables, and I question whether Mr. Harris has any boarding-house or hotel trade.

"Thinking you might care to know the status of the situation in Michigan, I have taken the opportunity to drop you a line.

"Very truly yours,

"ELLIOT O. GROSVENER."

Senator QUARLES. The suggestion I make may have no significance at all, but it has occurred to me that every effort that the oleomargarine people made to exalt and exaggerate this matter of color was from gentlemen who, as a rule, do not understand the purpose of the oleomargarine people, because, to answer the judge's proposition that they would come back again if they were making a pure white oleomargarine, there is not any considerable contingent in Congress who would ever consent to putting a tax on white oleomargarine. The theory of the bill is—



Senator MONEY. I think the whole theory of the bill is to kill the oleomargarine manufacturer.

Senator QUARLES. Oh, no; it is not that at all, as I understand it.

Mr. SPRINGER. I was going to suggest, in connection with the letter produced by the Senator from Iowa [Mr. Dolliver], that it will be of interest to the trade generally. As I said before, the question as to whether they can succeed in maintaining their business by relying on the uncolored article only is one that is purely problematical at this time. They will try to do it and will exert their best efforts to do it, and endeavor to live, but they all believe they can not make it pay at present. They may in the future.

Senator QUARLES. It was tried in Wisconsin with exactly the same results as indicated in the letter which has been read by Senator Dolliver. One dealer sold 10,000 pounds of the white article.

Mr. SPRINGER. I can understand how that can be done. In the factory here there is made an article which is used exclusively for cooking purposes. It is retailed in 10-pound buckets, at 13 cents a pound. That is not intended for the table, but is for cooking purposes only, and takes the place of lard. It can be sold at about the same price that good lard can be purchased for at retail. That product might be sold uncolored to as great an extent as it is sold colored, because it is used for cooking purposes, and the want of color does not affect the product which is used for cooking purposes.

But I want to call your attention to this fact, that these people, the manufacturers of oleomargarine, are engaged in manufacturing a food product. They receive orders from the trade, and it is their business to supply the orders they get. They have not received any orders to amount to anything for uncolored oleomargarine up to this time; they do not know whether they will receive any. If after this bill is passed they get no orders for uncolored oleomargarine they must stop manufacturing until they get orders sufficiently large to justify them in starting up again.

Senator DOLLIVER. The position taken by Mr. Tillinghast, who testified before the House committee, was that the uncolored article is sold to some extent already, and also that he is one of those who believes that oleomargarine, having been used for a quarter of a century and more, some people at least have learned that it is a wholesome and cheap article and will continue to use it. The manufacturers in Rhode Island, surrounded as it is by hostile communities on all sides, seem to indicate that the removal of the colored article would so greatly extend their opportunities of sale as to practically be a benefit.

Mr. SPRINGER. Mr. Tillinghast is a very intelligent gentleman. He is the president of the Vermont Manufacturing Company in Rhode Island. It is called the Vermont Manufacturing Company to give it a respectable name, I suppose, although it is located at Providence, R. I.

The CHAIRMAN. He is trying to give the name a good color as well as the product.

Mr. SPRINGER. Undoubtedly. But as I said before—and I want to call your attention to this—these manufacturers believe that they will not get orders enough to make it profitable to keep up their large establishments, and if they do not, they must either stop or wait for a trade for which they have no orders at present.

Senator DOLLIVER. They do not seem to be waiting for it now. They

seem to be putting this yellow article on the market in a way which the testimony shows is very elaborate.

Mr. SPRINGER. If you were a business man or merchant and should see the inevitable coming a month or two ahead, I imagine you would try to get in out of the weather.

Senator DOLLIVER. You do not seem to catch my point. They seem to be using their best energies in presenting this article to the trade through the medium of circulars, which have been exhibited here, and my opinion is that if instead of stopping to wait for orders and diverting their energies, they would make a market for this legitimate article, it would be better for them.

Mr. SPRINGER. You will remember that when the tax on whisky at \$2 per gallon was proposed, what a tremendous impetus it gave the distilleries. The law enabled the dealers to increase the value of their commodity to the extent of the tax after the law took effect. And so it is with this trade. I presume you would see that there would be a large increase in the manufacture up to the time the law took effect; because if it goes out to the trade without the 2 cents tax they will be able to get rid of it at a profitable price.

I was going to say that the effect of this legislation, it is believed by those engaged in this business, would be to destroy their industry. It may not do so; I hope it will not. They will try to live honestly under the uncolored article as it is manufactured, and, if they can do so, they may create a sentiment which would call for a greater demand even than now. But they are confronted by a probability which was suggested by Mr. Hoard in his statement in the House committee, to which I desire to call the attention of this committee. I read from page 32 of the House committee hearing:

"Mr. SCOTT. I understand that. But you seem to fail to catch the drift of my question. I object just as much as you do to the sale of one product for another product. I was simply asking whether this bill would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold.

"Mr. HOARD. In that case, sir, I would come before Congress and demand a still higher tax."

Mr. SPRINGER. So that if uncolored oleomargarine should succeed in getting a hold on the country and be received with such favor as to call for a larger demand than there is now, Governor Hoard will be back here at the next session of Congress demanding that you tax the uncolored article out of existence.

So the question resolves itself into this, whether you will insist on this 10-cent tax to the threatened destruction of a very large product. If you will put it at 1 cent a pound, and put it under the provisions of the Wadsworth substitute or the filled-cheese law, you will have no trouble whatever about it. The fraud would be brought to a minimum. As Secretary Gage testified before this committee a year ago, the provisions of the Wadsworth bill will reduce the fraud in oleomargarine to a minimum. That was his testimony, and he certainly ought to know, and I believe that it will, as the filled-cheese law has demonstrated that it will in that case.

I thank you, gentlemen, for your courteous hearing.

The following table shows the number of pounds of oleomargarine shipped and sold by manufacturers to purchasers in the several States

and Territories of the United States for the months of July, August, and September, 1901:

States and Territories.	July.	August.	September.
	<i>Pounds.</i>	<i>Pounds.</i>	<i>Pounds.</i>
Alabama .....	28,154	35,054	34,908
Alaska .....	960		
Arizona .....	3,822	7,218	13,728
Arkansas .....	30,839	36,354	35,151
California .....	2,855	7,404	1,042
Colorado .....	120,218	232,691	242,320
Connecticut .....	20,940	18,700	32,030
Delaware .....	10,050	19,771	13,410
District of Columbia .....	61,958	75,905	53,147
Florida .....	21,027	38,206	42,655
Georgia .....	33,205	55,899	69,619
Hawaii .....	20,000	20,000	
Idaho .....	280	3,212	4,214
Illinois .....	1,580,044	1,965,236	1,912,845
Indiana .....	407,884	485,830	596,722
Indian Territory .....	4,706	16,104	17,372
Iowa .....		5,715	6,827
Kansas .....	88,759	147,779	192,100
Kentucky .....	158,590	197,687	186,015
Louisiana .....	79,560	101,672	117,632
Maine .....	20,750	43,928	37,820
Maryland .....	136,773	181,547	171,402
Massachusetts .....	214,648	281,205	280,769
Michigan .....	168,047	257,715	278,940
Minnesota .....	20,883	35,836	20,976
Mississippi .....	8,176	25,577	13,616
Missouri .....	301,326	384,387	379,079
Montana .....	32,182	44,876	48,225
Nebraska .....	25,847	82,795	89,576
Nevada .....			320
New Hampshire .....	27,770	14,500	33,760
New Jersey .....	808,396	960,143	833,854
New Mexico .....	5,526	11,179	42,304
New York .....	10,896	16,342	14,735
North Carolina .....	10,483	21,266	12,290
North Dakota .....			40
Ohio .....	811,917	1,100,141	1,180,864
Oklahoma Territory .....	21,461	40,989	32,507
Oregon .....		600	870
Pennsylvania .....	628,562	701,631	830,478
Porto Rico .....	800	540	540
Rhode Island .....	284,981	314,785	310,512
South Carolina .....	13,705	35,585	21,983
South Dakota .....	1,100	1,554	2,460
Tennessee .....	40,253	62,973	69,758
Texas .....	42,445	102,223	178,039
Utah .....	200	1,100	
Vermont .....	370	562	1,077
Virginia .....	144,643	160,419	140,864
Washington .....	1,500	3,800	6,100
West Virginia .....	159,400	170,713	258,894
Wisconsin .....	61,697	79,436	147,292
Wyoming .....	1,346	4,946	5,993
Total .....	6,675,314	8,593,700	8,967,619

Mr. KNIGHT. I do not know, Mr. Chairman, whether I have anything particular to say. I would like to enlighten you a little bit on two or three things in connection with these matters about which there has been a dispute in the various committees.

I am not one who believes that oleomargarine is to be what its manufacturers claim it to be, an article made from the delicious caul fat of the steer, a little leaf lard, and cotton-seed oil; and I am of the opinion that oleomargarine can be made from any kind of fat, I do not care whether it is horse fat, beef fat, or mutton fat, or any other kind of fat.

While we have expressed that belief, we have failed to find any possible way of getting the amount of oleo oil out of Government inspected carcasses that they claim only goes into the manufacture of oleomargarine. We have never been able to show or get the proof

of this condition of affairs, for the reason that we have not access to the oleo-oil factories. We can not go into the market and get it. We have tried in Chicago and we can not get it there. It is impossible for us to get anything in connection with the oleomargarine business. They purpose keeping it to themselves. They do not care to give anybody the opportunity to get it.

Senator HANSBROUGH. I call attention to this statement in the Census bulletin of February 13, 1902.

"Oleomargarine is, however, frequently manufactured in connection with slaughtering and meat packing, and in such cases it is difficult to obtain data which relate exclusively to its production."

Mr. KNIGHT. That has been our experience. And I want to call attention to the census report published in Census Bulletin No. 138, and entitled the "Manufacture of oleomargarine," by John H. Garber, expert special agent.

"With the beef fats the character of the animal from which they are taken is the most potent factor in the selection. Some manufacturers work into their highest grade of oleo oil practically all the fat taken from a good steer, and make one or two lower grades from the fat of cows and 'canners.' Other manufacturers make their highest grade from the caul and other selected fats of the best beeves, using certain intestinal and other lower forms, together with that taken from poorer animals, in making from one to three lower grades. As previously indicated, the manufacture of oleo oil is more widely distributed than that of neutral lard, and, while it is largely confined to the big packing houses, considerable quantities are made in large cities, outside the centers of the packing industry, from fats collected in part from abattoirs and in part from the retail butchers."

That is the assertion which I made here last winter, an assertion which aroused a storm on the part of the opponents of this bill who wanted it stricken out.

I want further to read from page 14 of the same bulletin:

"While there is substantial uniformity in the process of manufacture, there is a great diversity in the grades and combinations of material used and, consequently, in the character of the finished article. The cheapest grades of oleomargarine found on the market are made from the lowest grades of oleo oil and neutral lard, to which is added the limit of cotton-seed oil, and the whole is churned with skimmed milk or buttermilk, salted with common salt, and colored with the cheaper grades of coloring matter. These low-grade oils may be manufactured from 'scrap' fat and made firm by the addition of more stearin or other similar substances, so that a greater proportion of cotton-seed oil can be added to the combination. Sometimes glycerin is added to give the product a glossy appearance and sugar or glucose to sweeten or give texture. The highest grades are made from pure oleo oil and neutral lard of best quality, churned with whole milk, cream, or creamery butter, salted with Ashland salt"—

It is "Ashland" here; it should be "Ashton"—

and colored with annotto or other coloring matter."

Now, there is still another allusion over here to the use of cotton-seed oil in the manufacture of oleomargarine. And I want to say that the higher grades of oleomargarine contain no cotton-seed oil whatever. They do not use a pound of it from year to year; and in explanation of the reason why the cotton-seed oil is not used in the higher grade—

Senator MONEY. What do they use?

Mr. KNIGHT. Lard and tallow. I read from page 10 of the same bulletin:

"To make a high-grade oleomargarine it is absolutely essential that all its constituent oils respond fully to the neutralizing treatment by which their characteristic odors and flavors are removed, so that they will take on the flavor of butter from the aromatic principles of the milk or cream with which they are churned. Cotton-seed oil, when forming any considerable proportion of oleomargarine, betrays its presence, and those manufacturers making a specialty of high-class table products have discontinued its use altogether."

There is other matter in there relating to the manufacture of oleomargarine, but I think that is about as near as it is possible for us to get to it. As I told you before, it is impossible for us to get anything—the doors of their establishments are closed against us.

Senator DOLLIVER. Have you any doubt of the facts set forth in that bulletin?

Mr. KNIGHT. No. I believe them all, so far as I can see.

Senator DOLLIVER. Have you examined this Senate Document 168?

Mr. KNIGHT. I have not. That is a late document which I have not looked through yet.

There is one other point in connection with this agitation that I approach with considerable hesitancy, for the reason that I do not like to come before the committee making any charges of any kind. But it has been repeatedly contended on the floor of the House, before your committee this morning, and also before the Agricultural Committee of the House, that it was only the retail dealers who were interested in this fraud and that it would be the manufacturers who would suffer from the passage of this bill—that they were absolutely innocent of any wrong intent.

In that connection I want to call your attention to a little incident which occurred in the House Committee on Agriculture, and which will give you a little bit of idea of the character—I might say, possibly, the extremes to which these people are driven to protect themselves—to keep themselves from getting in a hole. That is about the best way to put it, I guess. The question was asked by Mr. Smith of Mr. Powell, who represented the only oleomargarine concern that appeared before the House committee at this session—

"Mr. SMITH. Are you a member of the company manufacturing butterine?

"Mr. POWELL. I am an interested party.

"Mr. SMITH. Who is the president?

"Mr. POWELL. Walter P. Wilkins is the president of the Standard Butterine Company.

"Mr. SMITH. There has been a rumor around here that he is under indictment for some violation of the laws.

"Mr. POWELL. He is not; no, sir.

"Mr. SMITH. Was it his brother?

"Mr. POWELL. A brother of his was indicted; yes, sir.

"Mr. SMITH. For taking off the stamps from oleomargarine?

"Mr. POWELL. If you will permit me, I would like to explain that. I understand that Mr. George S. Wilkins was on one occasion removing stamps on butterine to be shipped to Cuba, he being advised, as I

told, that there was no basis of taxation which had been agreed upon between the United States and Cuba; that it was at the time the war was on and that there was no objection to his doing that. Hence he was removing those stamps. But he was indicted and tried and sentenced, and shortly thereafter he was pardoned by the President of the United States."

Now, the president of the Standard Butterine Company, of this city, is not only under indictment in this District for fraud, but under indictment for three charges for acts done at different times. I hold in my hand certified copies of the indictments of the Federal grand jury of this District, returned in 1897 against Walter P. Wilkins and Joseph Wilkins, which charged that—

"The said Walter P. Wilkins and the said Joseph Wilkins, both late of the District aforesaid, did, on the twenty-first day of September, in the year of our Lord one thousand eight hundred and ninety-five, and at the District aforesaid, knowingly and wilfully sell and deliver to a certain Richard E. Miles sixty pounds of oleomargarine as and for butter, in a certain wooden package called a tub, upon which said last-mentioned package, so containing oleomargarine and so delivered, as aforesaid, there had not been stenciled or branded the word "Oleomargarine" and the letters and figures in such case required by said regulations, as aforesaid, to indicate the nature of the contents of such last-mentioned package, the number of the manufactory where the contents of such last-mentioned package were made," etc.

This indictment was handed down in 1897, charging the sale of oleomargarine as butter in a wholesale way to this Richard E. Miles. And on the same day the grand jury handed down another indictment against this same Wilkins for selling to William H. Meitzler 12 pounds of oleomargarine, the charge being the same. On January 4, 1897, another indictment was found against this man Wilkins for selling and delivery to one Andrew J. Kenney 20 pounds of oleomargarine for butter.

Senator MONEY. What became of those indictments?

Mr. KNIGHT. They are still pending. That is one of the great difficulties—getting them tried.

Senator MONEY. That is a long time—five years.

Mr. KNIGHT. Yes.

Senator MONEY. They are not pending; they disappeared with that grand jury. You are wrong if you think an indictment can continue through successive sessions of the court.

Mr. SPRINGER. In 1897 there was no such establishment. Mr. Wilkins was not a manufacturer at that time. This factory has been in existence only about three months. We had no such institution at that time. If this matter is to be taken up, I will bring Mr. Wilkins in here to be heard with some other disinterested parties.

Senator DOLLIVER. It strikes me that this is utterly immaterial.

Mr. SPRINGER. If you are going to take up this matter, Mr. Wilkins should be heard. But I think it is utterly immaterial.

Senator MONEY. It is not utterly immaterial. Here are indictments that have been found pending for five years. There should have been something done with them. Every grand jury brings in its own indictments, and they are quashed if not tried.

Senator DOLLIVER. They can be continued.

Senator MONEY. But it is not very likely that they were.

Senator DOLLIVER. I do not think it is our province to consider whether Mr. Wilkins is innocent or guilty of this offense.

Senator MONEY. They are brought in here to prove that it is a fraud. It is very material. We find that it is not worth a hill of beans. I can have a man indicted for anything if I can find a grand jury that will do it. But that does not prove that he is guilty.

Mr. SPRINGER. The district attorney having investigated this matter some years ago himself dismissed the indictments, finding that there was nothing in them upon which to go to trial.

The CHAIRMAN. It is the opinion of the committee that that matter be not printed.

Senator MONEY. I prefer that it be printed. I want all this matter put in.

The CHAIRMAN. We will consider that later.

Senator MONEY. It is well enough for Mr. Knight to make a charge of that kind in his testimony, speech, or argument, but to prove it is something else. It is a very important thing when a man gets up here and makes a statement that is not worth a cent—not worth a straw. It is like Mr. Knight's other statements. He makes statements, and nobody undertakes to investigate them.

Mr. KNIGHT. Here are the certified copies of the indictments.

The indictments are as follows:

## A.

### INDICTMENT.

[Filed in open court January 4, 1897; J. R. Young, clerk.]

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, HOLDING A CRIMINAL TERM.

OCTOBER TERM, A. D. 1896.

*District of Columbia, ss:*

The grand jurors of the United States of America, in and for the District of Columbia aforesaid, upon their oath do present:

That by the act of Congress approved on the second day of August, in the year of our Lord one thousand eight hundred and eighty-six, entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," it was provided, among other things, that all oleomargarine should be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and that by said act it was further provided that all sales of oleomargarine made by the manufacturers thereof and all sales of oleomargarine made by wholesale dealers therein, that is to say, by persons selling or offering for sale oleomargarine in the original manufacturers' packages (such persons being

other than manufacturers making sales in conformity with law of oleomargarine, of their own production at the place where the same is manufactured), should be made in original stamped packages, that is to say, in the original packages of the manufacturer duly marked, stamped, and branded, as aforesaid; and that in and by said act it was made unlawful for any person to knowingly sell, or offer for sale, or to deliver, or to offer to deliver oleomargarine in quantities exceeding ten pounds at a time in any other manner than in such original packages of the manufacturer duly marked, stamped, and branded as aforesaid.

And the grand jurors aforesaid, upon their oath aforesaid, do further present: That pursuant to the authority conferred upon him by said act the said Commissioner of Internal Revenue, with the approval of the said Secretary of the Treasury, did, on the eighteenth day of June, in the year of our Lord one thousand eight hundred and ninety-five, prescribe certain regulations, in substance and to the effect, among other things, that the firkins, tubs, or other wooden packages in which manufacturers of oleomargarine were required by said act to pack the oleomargarine manufactured by them, such manufacturers should have stenciled or branded upon them, such packages, before their removal from the manufactory, the word "Oleomargarine," the number of the manufactory, the number of the district, the name of the State, and the gross weight, tare, and taxable weight; and that the said word "Oleomargarine" so required to be stenciled or branded upon such packages should be in letters not less than three-quarters of an inch in length, and that all other letters and figures so required to be stenciled and branded on such packages should be not less than one-half of one inch in length; meaning thereby and intending by the words and figures to be so stenciled or branded upon such packages to indicate the nature of the contents of such packages, the number by which the manufactory is known, where such contents were made, the collection district in which such manufactory is located, the State in which such manufactory is located, and the gross weight, tare, and taxable weight of such packages and the contents thereof; all and singular of which the premises and several premises aforesaid, a certain Walter P. Wilkins and a certain Joseph Wilkins, at the time of the commission by them of the offence hereinafter mentioned, well knew.

And the grand jurors aforesaid, upon their oath aforesaid, do further present: That the said Walter P. Wilkins and the said Joseph Wilkins, both late of the District aforesaid, did, on the twenty-first day of September, in the year of our Lord one thousand eight hundred and ninety-five, and at the District aforesaid, knowingly and wilfully sell and deliver to a certain Richard E. Miles sixty pounds of oleomargarine as and for butter, in a certain wooden package, called a tub, upon which said last-mentioned package, so containing oleomargarine, and so delivered as aforesaid there had been stenciled or branded the word "Oleomargarine," and the letters and figures in such case required by said regulations, as aforesaid, to indicate the nature of the contents of such last-mentioned package, the number of the manufactory where the contents of such last-mentioned package were made, the collection district in which such last-mentioned manufactory was located, the State in which such last-mentioned manufactory was located, and the gross weight, tare, and taxable weight of such last-mentioned package and the contents thereof; against the form of



the statute in such case made and provided, and against the peace and Government of the said United States.

ARTHUR A. BIRNEY,  
*Attorney of the United States*  
*in and for the District of Columbia.*

Witnesses:

RICHARD E. MILES,  
ARTHUR G. VAN HORN,  
AUGUSTUS C. TAYLOR.

A true bill:

CHAS. G. STOTT, *Foreman.*

A true copy. Test:

[SEAL.]

J. R. YOUNG, *Clerk.*  
By R. J. MEIGS, *Asst. Clerk.*

(Indorsed:) No. 21091. United States *vs.* Walter P. Wilkins and Joseph Wilkins. Violation of oleomargarine law.

## B.

### INDICTMENT.

[Filed in open court Jan. 4, 1897; J. R. Young, clerk.]

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, HOLDING  
A CRIMINAL TERM.

OCTOBER TERM, A. D. 1896.

*District of Columbia, ss:*

The grand jurors of the United States of America in and for the District of Columbia aforesaid upon their oath do present:

That by the act of Congress approved on the second day of August, in the year of our Lord one thousand eight hundred and eighty-six, entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation and exportation of oleomargarine," it was provided, among other things, that all oleomargarine should be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and that by said act it was further provided that all sales of oleomargarine made by the manufacturers thereof, and all sales of oleomargarine made by wholesale dealers therein, that is to say, by persons selling or offering for sale oleomargarine in the original manufacturers' packages (such persons

being other than manufacturers making sales in conformity with law of oleomargarine, of their own production at the place where the same is manufactured), should be made in original stamped packages, that is to say, in the original packages of the manufacturer duly marked, stamped, and branded, as aforesaid; and that in and by said act it was made unlawful for any person to knowingly sell, or offer for sale, or to deliver, or to offer to deliver oleomargarine in quantities exceeding ten pounds at a time in any other manner than in such original packages of the manufacturer duly marked, stamped, and branded as aforesaid.

And the grand jurors aforesaid, upon their oath aforesaid, do further present: That pursuant to the authority conferred upon him by said act the said Commissioner of Internal Revenue, with the approval of the said Secretary of the Treasury, did, on the eighteenth day of June, in the year of our Lord one thousand eight hundred and ninety-five, prescribe certain regulations, in substance and to the effect, among other things, that the firkins, tubs, or other wooden packages in which manufacturers of oleomargarine were required by said act to pack the oleomargarine manufactured by them, such manufacturers should have stenciled or branded upon them, such packages, before their removal from the factory, the word "Oleomargarine," the number of the manufactory, the number of the district, the name of the State, and the gross weight, tare, and taxable weight; and that the said word "Oleomargarine," so required to be stenciled or branded upon such packages, should be in letters not less than three quarters of an inch in length, and that all other letters and figures so required to be stenciled and branded on such packages should not be less than one-half of one inch in length; meaning thereby and intending by the words and figures to be so stenciled or branded upon such packages to indicate the nature of the contents of such packages, the number by which the manufactory is known, where such contents were made, the collection district in which such manufactory is located, the State in which such manufactory is located, and the gross weight, tare, and taxable weight, of such packages and the contents thereof; all and singular of which the premises and several premises aforesaid, a certain Walter P. Wilkins and a certain Joseph Wilkins, at the time of the commission by them of the offence hereinafter mentioned, well knew.

And the grand jurors aforesaid, upon their oath aforesaid, do further present: That the said Walter P. Wilkins and the said Joseph Wilkins, both of the District aforesaid, did, on the sixteenth day of January, in the year of our Lord one thousand eight hundred and ninety-six, and at the District aforesaid, knowingly and wilfully sell and deliver to a certain William H. Meitzler twelve pounds of oleomargarine as and for butter, in a certain paper package, upon which said last-mentioned package, so containing oleomargarine and so delivered as aforesaid, there had not been stenciled or branded the word "Oleomargarine" and the letters and figures in such case required by said regulations, as aforesaid, to indicate the nature of the contents of such last-mentioned package, the number of the manufactory where the contents of such last-mentioned package were made, the collection district in which such last-mentioned manufactory was located, the State in which such last-mentioned manufactory was located, and the gross weight, tare, and taxable weight of such last-mentioned package, and the contents thereof; against the form of the statute in such case made and

provided, and against the peace and Government of the said United States.

ARTHUR A. BIRNEY,  
*Attorney of the United States*  
*in and for the District of Columbia.*

Witnesses:

WILLIAM H. MEITZLER,  
ARTHUR G. VAN HORN,  
FLORENCE DAVIS,  
CHARLES A. CRAMPTON,

A true bill.

CHAS. G. STOTT, *Foreman.*

A true copy. Test:

[SEAL.]

J. R. YOUNG, *Clerk,*  
By R. J. MEIGS, *Asst. Clerk.*

(Indorsed.) United States v. Walter P. Wilkins and Joseph Wilkins, No. 21090. Violation of oleomargarine law.

### C.

#### INDICTMENT.

[Filed in open court January 4, 1897; J. R. Young, clerk.]

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, HOLDING A  
CRIMINAL TERM.

OCTOBER TERM, A. D. 1896.

*District of Columbia, ss.*

The grand jurors of the United States of America, in and for the District of Columbia aforesaid, upon their oath do present:

That by the act of Congress approved on the second day of August in the year of our Lord one thousand eight hundred and eighty-six, entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," it was provided, among other things, that all oleomargarine should be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and that by said act it was further provided that all sales of oleomargarine made by the manufacturers thereof and all sales of oleomargarine made by wholesale dealers therein—that is to say, by persons selling or offering for sale oleomargarine in the original manufacturers' packages (such persons

being other than manufacturers making sales in conformity with law of oleomargarine, of their own production at the place where the same is manufactured)—should be made in original stamped packages; that is to say, in the original packages of the manufacturer duly marked, stamped, and branded, as aforesaid; and that in and by said act it was made unlawful for any person to knowingly sell, or offer for sale, or to deliver, or to offer to deliver, oleomargarine in quantities exceeding ten pounds at a time in any other manner than in such original packages of the manufacturer duly marked, stamped, and branded as aforesaid.

And the grand jurors aforesaid, upon their oath aforesaid, do further present: That pursuant to the authority conferred upon him by said act, the said Commissioner of Internal Revenue, with the approval of the said Secretary of the Treasury, did, on the eighteenth day of June, in the year of our Lord one thousand eight hundred and ninety-five, prescribe certain regulations, in substance and to the effect, among other things, that the firkins, tubs, or other wooden packages, in which manufacturers of oleomargarine were required by said act to pack the oleomargarine manufactured by them, such manufacturers should have stenciled or branded upon them, such packages, before their removal from the manufactory, the word "Oleomargarine," the number of the manufactory, the number of the district, the name of the State, and the gross weight, tare, and taxable weight; and that the said word "Oleomargarine," so required to be stenciled or branded upon such packages, should be in letters not less than three-quarters of an inch in length, and that all other letters and figures so required to be stenciled and branded on such packages should be not less than one-half of one inch in length; meaning thereby, and intending by the words and figures to be so stenciled or branded upon such packages, to indicate the nature of the contents of such packages, the number by which the manufactory is known, where such contents were made, the collection district in which such manufactory is located, the State in which such manufactory is located, and the gross weight, tare, and taxable weight of such packages and the contents thereof; all and singular of which the premises and several premises aforesaid, a certain Walter P. Wilkins and a certain Joseph Wilkins, at the time of the commission by them of the offence hereinafter mentioned, well knew.

And the grand jurors aforesaid, upon their oath aforesaid, do further present: That the said Walter P. Wilkins and the said Joseph Wilkins, both late of the District aforesaid, did, on the thirtieth day of January, in the year of our Lord one thousand eight hundred and ninety-six, and at the District aforesaid, knowingly and wilfully sell and deliver to a certain Andrew J. Kenney twenty pounds of oleomargarine as and for butter in a certain paper package, upon which said last-mentioned package, so containing oleomargarine and so delivered as aforesaid, there had not been stenciled or branded the word "Oleomargarine" and the letters and figures in such case required by said regulations, as aforesaid, to indicate the nature of the contents of such last-mentioned package, the number of the manufactory where the contents of such last-mentioned package were made, the collection district in which such last-mentioned manufactory was located, the State in which such last-mentioned manufactory was located, and the gross weight, tare, and taxable weight of such last-mentioned package and

the contents thereof; against the form of the statute in such case made and provided, and against the peace and Government of the said United States.

ARTHUR A. BIRNEY,  
*Attorney of the United States*  
*in and for the District of Columbia.*

Witnesses:

ANDREW J. KENNY.  
ARTHUR G. VAN HORN.  
FLORENCE DAVIS.  
CHARLES A. CRAMPTON.

A true bill.

CHAS. G. STOTT, *Foreman.*

A true copy. Test:  
[SEAL.]

J. R. YOUNG, *Clerk*,  
By R. J. MEIGS, Jr., *Asst. Clerk.*

(Endorsed:) No. 21092. United States *vs.* Walter P. Wilkins and Joseph Wilkins. Violation of oleomargarine law.

Senator HEITFELD. I move that the hearing be considered at an end.

Mr. SPRINGER. I want to say that the charge brought against Mr. Wilkins was at the beginning of the Spanish war. The matter was brought before President McKinley, and Mr. Wilkins was pardoned. If he had been guilty, he would not have been pardoned. Under the regulations, no matter what the intent may be, if a party is discovered doing certain things he is adjudged guilty of fraud. But Mr. Wilkins did not intend to commit a fraud, and that is what the President found and promptly pardoned him.

Mr. KNIGHT. I dispute that fact.

Senator QUARLES. I move that we do not follow the D. A. R.

The CHAIRMAN. Mr. Heitfeld moves that the hearings be now closed.

The motion was agreed to.

Senator MONEY. That means that the cotton-seed-oil men will not be heard?

The CHAIRMAN. We heard them this morning.

Senator MONEY. Through Mr. Burleson?

The CHAIRMAN. Yes.

Senator MONEY. I understand.

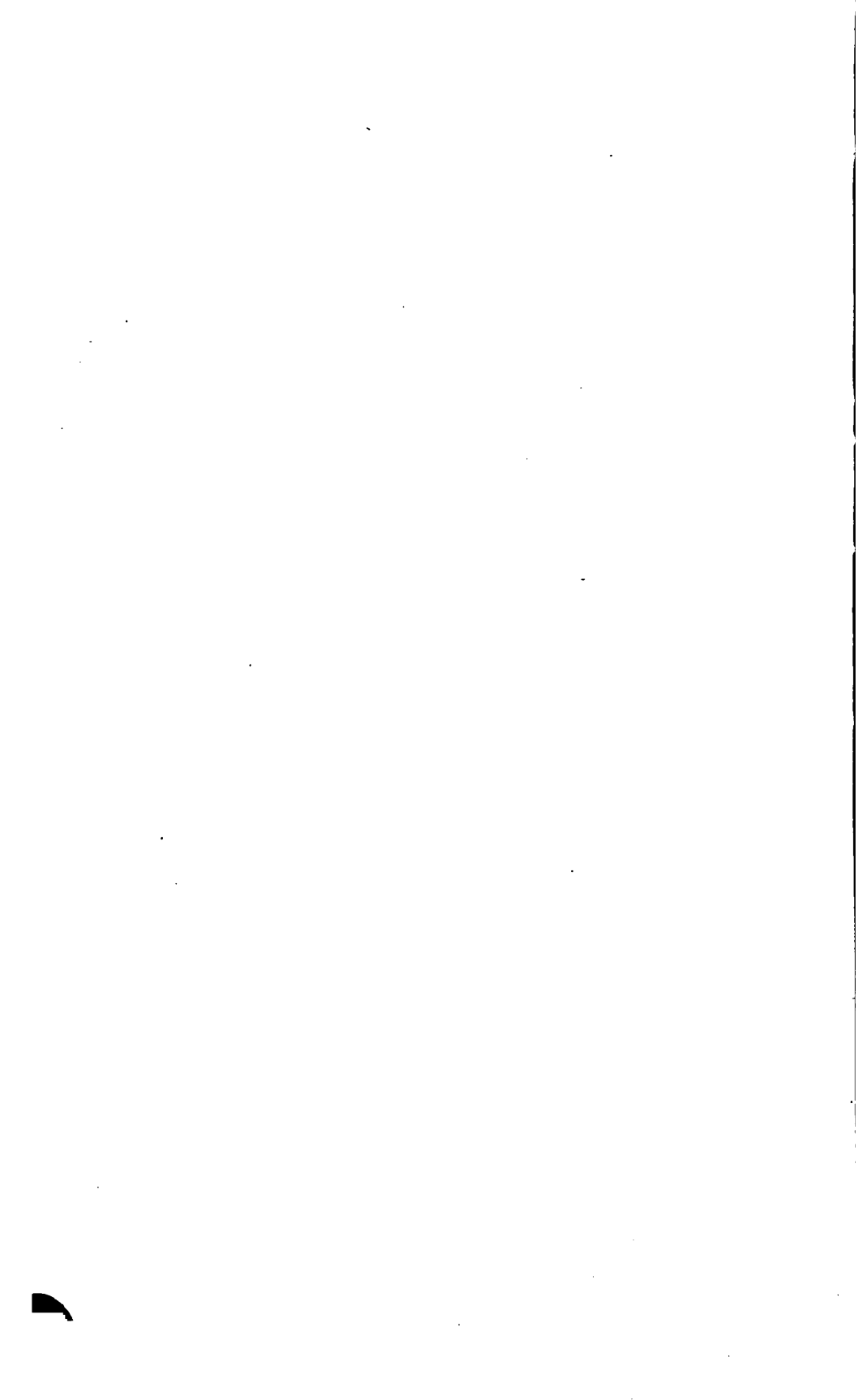
The CHAIRMAN. Mr. Burleson asked for a week's time. The testimony of the cotton-seed-oil representatives was taken last year, and it is all printed.

Senator MONEY. I want to say that I could not attend the meeting earlier to-day, because I had to go and consult my oculist, and the other days I had no notice. But this morning I would like to have been here.

The CHAIRMAN. The matter will be printed, and we will have a session with closed doors, of course.

Mr. SPRINGER. I hope you will not forget the invitation extended by Mr. Wilkins through me for the committee to visit the factory at Langdon.

Thereupon (at 12.10 o'clock p. m.) the committee adjourned.



## HEARINGS ON BILLS RELATING TO OLEOMARGARINE LEGISLATION.

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COMMITTEE ON AGRICULTURE,  
HOUSE OF REPRESENTATIVES, UNITED STATES,  
*Washington, D. C., January 13, 1902.*

The committee met at 10.20 a. m., Hon. J. W. Wadsworth in the chair.

### STATEMENT OF W. D. HOARD, CHAIRMAN OF NATIONAL DAIRY UNION.

Mr. Chairman and gentlemen of the committee, the object sought by the dairymen of the United States is the suppression of butter counterfeiting and fraud by the makers and venders of oleomargarine. The National Dairy Union desires to submit the following statement for your consideration:

To discuss the oleomargarine question to-day means practically the discussion of the Grout bill. This is true for the reason that, in the main, in this measure is embodied the crystallized sentiment of the entire dairy industry of the United States, the result of more than thirty years of experience in an effort to control or regulate this traffic.

I may say at once that the Grout bill, which places a tax of 10 cents a pound upon all oleomargarine colored in semblance of butter and reduces by 75 per cent, or removes entirely, the tax on the uncolored, passed the House by the decisive majority of 104, or 12 more than two-thirds, at the last session of the Fifty-sixth Congress, was favorably reported by the Senate Committee on Agriculture, and conceded a two-thirds majority in the Senate, is not in effect a new departure. The people, through the legislatures of more than two-thirds of the States, with more than four-fifths of the population of the United States, have placed a legal ban upon oleomargarine made in imitation of yellow butter.

Let us introduce you, for instance, to the true situation in the oleomargarine trade. Two years ago the fraudulent sale of oleomargarine as butter became so flagrant in the city of Chicago as to cause every self-respecting man in the dairy business to feel about the same as one who permits himself without protest to stand up and be robbed in broad daylight. The condition is best described by a letter received by the secretary of the National Dairy Union from a retail grocer's clerk, a portion of which I will read:

During the past twenty-two years, I think, I have worked in nearly every first-class grocery in Chicago, and I can truthfully say that eight out of every ten have been and are still selling butterine for pure butter. I recently was employed in one of

largest groceries and markets on one of the most prominent streets of the city. During the time I was employed there we never sold one pound of butter, for we never had it in the house to sell. We clerks would talk among ourselves about it, and would often compare notes with other clerks, and to satisfy myself I made quite a canvass of all the stores in the mile and found not one that did not impose on its trade.

Refer to Messrs. Dahle and Haugen as to their recent visit to Chicago and what they saw.

Investigations proved this to be a true statement of facts. Every place oleomargarine was being sold at butter prices as butter. As a consequence of being unable to further, without protest, endure this disgraceful condition of affairs, the Illinois Dairy Union, auxiliary to the National Dairy Union, caused the following letter to be sent out by its attorney to every retailer of oleomargarine in Chicago:

CHICAGO, ILL., July 29, 1899.

DEAR SIR: I have been employed by the Illinois Dairy Union to prosecute any cases of violation of the dairy laws of this State which may result from the arrest of any dealer selling oleomargarine when butter is called for. As you probably know, a commission consisting of a food commissioner and eight assistants and inspectors was provided for by the late legislature, whose duty it is to enforce these laws. The commissioner has been appointed, and until he has appointed his assistants and gotten to work the Illinois Dairy Union's inspectors will look after the protection of consumers of butter and see that those who sell them oleomargarine for butter are prosecuted under the State laws and also reported to the Internal-Revenue Department as violators of the internal-revenue laws. I herewith inclose extracts from three State laws. These laws are not tied up in the courts, and the oleomargarine manufacturers will not place themselves in the light of protecting those who sell oleomargarine for butter, although they may consistently fight the law forbidding coloring, which has not yet been passed upon by the supreme court.

If you sell oleomargarine this year, rest assured that the State food commissioner and the Illinois Dairy Union will see that you are not permitted to sell it as butter.

Respectfully, yours,

HUGH V. MURRAY,  
*Attorney for Illinois Dairy Union.*

It will be noticed that the attorney only threatened prosecution in case oleomargarine was sold for butter.

This letter, however, created consternation in the ranks of the oleomargarine retailers. Arrests followed at once, and the brisk business the next few weeks in butter furnished evidence of the fraudulent character of the oleo traffic. Hundreds of dealers who had not been seen in wholesale butter houses for years came to buy butter for the trade they had been selling oleomargarine.

The field was too large to be handled in the usual manner of sending agents personally to each dealer to assure him of protection, and thus the hands of the oleomargarine makers were forced, and they were brought out in open light.

William J. Moxley, claiming to be the largest manufacturer in the United States, sent the following letter to the retail dealers in the northern district of Illinois, under date of August 2, 1899:

[William J. Moxley, manufacturer of fine butterine, 63 and 65 West Monroe street.]

CHICAGO, ILL., August 2, 1899.

\_\_\_\_\_, City.

DEAR SIR: Our attention has been called to two circulars which have been mailed to you—one signed by Hugh V. Murray, an attorney, and the other by Charles Y. Knight, editor in chief of a periodical, without subscribers, named Chicago Dairy Produce. The circular bearing Mr. Knight's name has at its head an imposing lot of names, gentlemen whose aim it is to prevent the manufacture and sale of butter-



ine, so that the butter trust might be enabled to get from 30 cents to 40 cents a pound for butter, depriving, as they would, a great many of the industrial classes from being able to use butter through its excessive price.

With the hired attorney, who is earning his fee, we have nothing to say, only to inform you that these gentlemen are trying to ring in a bluff. You will notice in their circulars that by insinuations they would have people believe they represent some official authority. The Internal-Revenue Department looks after their own business and the State after theirs, and should this so-called dairy union interfere with your business in the way of prosecution as to the State laws, we hereby guarantee you protection to the extent of paying all fines, costs, etc., until the color law is decided unconstitutional in the supreme court of the State of Illinois, and will further, on receiving complaint, take such action for damages as will make it unpleasant for some of those who are attempting to interfere with your and our own legitimate business.

We were under the impression that the severe censure they received from the judges during their filibustering of last year would have been sufficient for all time, but have been informed that to be successful in obtaining money from farmers and butter men a few circulars with imposing headlines are required.

We strongly recommend you to pay no attention to those circulars. We have always been in a position to protect our customers from injustice and blackmailers, and will be ever at your service should you require our aid.

Respectfully, yours,

Ww. J. MOXLEY.

And for fear the above manufacturer might get some of their trade, Braun & Fitts sent out the following letter at about the same time to the same dealers:

Every licensed butterine dealer in Chicago has received circular letters from the secretary and attorney for the Illinois Dairy Union, promising all sorts of trouble to dealers in butterine (that honest and pure article of food). Well, now, don't you believe a word of it; there is a law against blackmailing, and we want now and here to go on record to the assertion, as an affidavit, that we shall civilly and criminally prosecute any man or party of men interfering unlawfully with the butterine business in this or any other State. We know exactly where we stand; we are properly advised on the subject, and now we make you a "fair offer." "Handle our goods as you always have; we in turn promise and guarantee full protection against the State law (which has been declared unconstitutional) to the extent of paying cost of prosecution, fines, and paying all costs pertaining thereto." In declaring the law unconstitutional one of the judges stated to the effect "that the butter ring were, in his opinion, liable to prosecution to recover damages done an honest industry." Fair enough, isn't it? Renew your efforts, and be assured that we will be prepared to fight any number of rounds in any kind of a legal fight to the finish. Handle our butterine and be safe.

The Illinois Dairy Union spent nearly \$2,000 endeavoring to secure convictions for the sale of oleomargarine as outter. Its cases were delayed, dismissed, and every possible obstacle placed in the way of prosecutions by the oleomargarine makers, who came into court and defended retailers charged with fraud. The justices refused to issue further warrants because of their interpretation of the law, and we carried the matter to the supreme court upon mandamus proceedings, only to find that there is no way to proceed under any State law which will successfully overcome the influence of oleomargarine money and political backing in the cities. To-day, after two years of endeavor by the food commission, created also for the purpose of enforcing this law, the oleomargarine fraud is as openly rampant, impudent, and defiant as ever.

With this sort of experience, with the same conditions existing wherever any quantity of this deceitful substitute is sold, can it be wondered that we, as an industry, became discouraged in endeavoring to enforce State laws and appealed through Congress to Uncle Sam to relieve, by means of an increase in tax, this substitute of the feature which makes such a condition possible?

OLEOMARGARINE IS A FRAUD WHEREVER SOLD IN ANY QUANTITY, AND ITS FRAUD IS ADMITTED BY ITS MAKERS.

The truth about the oleomargarine business is that the entire traffic, from one end of the country to another, is one gigantic fraud, bolstered up and perpetrated through corruption and imposition, a true example of which has been here shown. The fraudulent part of the business is admitted by the defenders of the traffic in Congress, the only contention between themselves and representatives of the dairymen being in the percentage of the fraud. The dairymen claim from 75 to 90 per cent of oleomargarine is sold as butter, the oleomargarine people admit from 10 to 25 per cent of fraud.

Not only is fraud admitted, but also the inadequacy of our present laws, both State and national, for the regulation of the traffic. With the two principal points conceded, therefore, the question arises, Why should there be any difficulty in securing a satisfactory solution of the question?

The difficulty is that while the oleomargarine manufacturers and their representatives are ready and willing to admit, because of their inability to deny, the charge of overwhelming fraud, they themselves desire to prescribe the remedy through regulations under which their goods shall be produced, sold, and consumed.

But before we proceed to further discuss this question, let us look into the character and proportions of the oleomargarine traffic. During the fiscal year ending June 30, 1900, there was produced in this country 107,000,000 pounds of oleomargarine. Practically every pound of this went onto the open market and was sold in competition with butter. The production of butter during the same year in this country amounted, according to the estimate of the Agricultural Department at Washington, to 1,500,000,000 pounds. Of this fully 700,000,000, or nearly half, is consumed by the producer or never comes on the market, leaving 800,000,000 pounds to go on the market. Therefore, the relation of the oleomargarine product to that of butter is about one to eight—that is, of what is supposed to be butter sold and consumed, one pound in nine is oleomargarine. And the proportion has doubled in three years. In 1897 the product amounted to but 57,000,000 pounds.

It is difficult for the mind to grasp the import of 107,000,000 of pounds. In cars loaded as refrigerator cars are usually loaded with butter this vast product of the oleomargarine factories of this country would make a train of 5,000 cars 35 miles long, and require to draw it 250 engines each hauling 20 cars.

Can anyone wonder that the dairymen, facing a competition which is fraudulently depriving them of a market for more than \$20,000,000 a year of their product, aside from the loss in depression in price, are aroused at this condition, and up in arms with their demand for protection?

How have the arguments of the dairymen been met by their antagonists in Congress and out?

ONLY 50 CENT'S WORTH OF FAT USED FROM EACH HEAD OF CATTLE KILLED FOR OLEOMARGARINE IN THIS COUNTRY.

How have the oleomargarine makers and vendors endeavored to shield themselves against the wrath of an outraged people? By the cowardly act of endeavoring to protect their disreputable traffic by placing be-

tween themselves and justice the man who raises the steer, the hog, and grows cotton. They have lied to all these interests. In their resolutions and arguments intended to arouse the antagonism of the raiser of beef they have represented to the stockman, without condescending to details and proof, that the manufacture of oleomargarine in this country enhances the value of every steer from \$2 to \$4 per head. They have represented that the doing away with oleomargarine in the United States would cost the producers of hogs 20 cents per head. They have told the cotton-seed oil people that the very existence of their business depends upon the manufacture of oleomargarine colored in semblance of butter.

What are the facts?

Oleo oil is supposed to be made from the fat of the steer. It is worth from 8 to 9 cents a pound as a finished article. Right now it happens, on account of the shortage of corn, to be worth more. But this condition is exceptional. Last year 142,000,000 pounds were exported and some 28,000,000 pounds used in the oleomargarine made in this country. The 28,000,000 pounds used in this country at 9 cents per pound, an extreme price then, would amount to \$2,500,000 in round numbers. There were, according to close estimates of the Agricultural Department, 5,000,000 head of cattle killed in the United States that year. Divide two and a half millions of dollars of fat among 5,000,000 head of cattle, and what do you have? Fifty cents' worth of oil per head—oil, mind you, the finished article, after the manufacturer has had his pay for pressing it out. Now, as tallow, this fat is worth two-thirds its value as oleo oil, or 30 cents a head, to be conservative. If this fat was used as tallow in soap (where it is in great demand), instead of as oleo oil, it would bring only 20 cents per head less; and, mind you, the 20 cents per head is further reduced when the manufacturer gets his pay for the pressing of the oil.

SECRETARY OF AGRICULTURE WILSON IS AN ARDENT ADVOCATE OF THE MEASURE—WHAT HE SAYS OF DAMAGE TO LIVE STOCK.

What does the highest authority in the United States on agriculture say of this proposition?

Secretary Wilson was called before the Senate Committee on Agriculture last January to give the members his ideas of the wisdom of the passage of the Grout bill. Senator Allen, of Nebraska, asked him this question (p. 414):

Have you inquired into the effect the passage of this bill will have upon the value of animals raised for food purposes, not for dairy purposes?

Secretary WILSON. Very carefully.

Senator ALLEN. What will be the effect of the passage of this bill on that class of animals?

Secretary WILSON. I tried to reason that in my short paper which I have read. There is a little oil furnished by cotton-seed people, and a little by the people who grow steers; but the old-fashioned steer that had lots of fat in him is not the steer that is used to-day. The young beef, under 2 years of age, put into the market and prepared for the shambles, is not an animal that produces much body or intestinal fat. That is the animal that is wanted to-day.

The old-fashioned steer that was 3½ years old before he got to market had a large amount of fat, running up in some cases to 150 and as high as 180 pounds.

Now, then, the tendency in the South, where they have destroyed the lands by perpetual cropping, and the tendency west of the Missouri, in the semidry belt, where they are destroying the grazing lands by injudicious overgrazing, is to take a greater interest in the dairy cow than in the steer, and in the case of settlers who

want to raise families out west of the one hundredth meridian the interest grows every day on behalf of the dairy cow, and with regard to the production of steers east of the Missouri River on the farms, there is no comparison whatever. The small amount of cattle that commerce calls for in making oleomargarine is infinitesimal in value compared with the injury that the growth of this bogus industry will inflict upon legitimate agriculture, that requires a dairy cow.

Senator Dolliver, of Iowa, then said to the Secretary of Agriculture:

I received a telegram from a cattle dealer in Iowa stating that this bill was likely to very greatly damage the value of beef cattle.

Secretary WILSON: Yes; he does not know what he is talking about, that same cattle dealer.

And this was the conclusion the majority of that committee came to—that the cattleman who said that the passage of the Grout bill would hurt his business did not know what he was talking about.

Some of the representatives of stock yards and cattle associations went so far as to state before the House Committee on Agriculture that to deprive them of a market for \$4,000,000 a year of animal fat would depreciate the value of the live-stock industry \$60,000,000 per year. Later, as a result of the ridicule these claims excited, they were withdrawn and no definite damage claimed.

To the credit of the swine raisers and breeders, who themselves have suffered through the wholesale adulteration of lard with cotton-seed oil, let it be said that no man has ever come as a hog man and protested against the dairyman protecting themselves against the fraudulent use of neutral lard.

**ONLY ONE PER CENT OF THE COTTON-SEED OIL PRODUCT IS USED IN OLEOMARGARINE IN THIS COUNTRY.**

They falsely represented the facts to the cotton-seed oil manufacturers and aroused their antagonism to the Grout bill by stating to them that 55,000,000 pounds of their oil were used in 1899 in the manufacture of oleomargarine in this country (p. 844), when the records of the Treasury Department, later brought to light through a resolution in the House, showed that instead of 55,000,000 pounds having been used, less than 9,000,000 pounds, worth less than \$500,000, were employed. A representative of the Armour Packing Company (p. 845) stated that the cotton-seed oil industry of this country is worth about \$50,000,000 per year. In this case the \$500,000 worth of cotton-seed oil amounted to just 1 per cent of the product. Is not this a pretty small proportion to make such a howl about, and does not opposition purchased at this price come pretty cheap?

The way we figure the fraud and loss to the American farmer, as a whole, is in this way:

For the raw beef fat going into the 107,000,000 pounds of oleo oil made in 1899 he received through his steers about \$1,800,000 (6 cents per pound for 30,000,000 pounds as tallow).

For neutral lard (35,000,000 pounds) he received (at, say, 6 cents per pound) \$2,150,000.

For the cotton-seed oil (say, 10,000,000 pounds, at 5 cents per pound) he received \$500,000.

To sum it up we have:

Beef fat.....	\$1,800,000
Lard .....	2,150,000
Cotton-seed oil .....	500,000

A total of..... 4,450,000

Through the loss of a market for 107,000,000 pounds of butter at an average of 20 cents per pound he lost \$21,400,000 direct. Deduct his income of \$4,450,000 from \$21,400,000 and you have a net loss of \$16,500,000 to the farmer as a whole. To the dairyman the loss is total, or \$21,400,000.

#### WHO GETS THE ADVANTAGE OF A CHEAP SUBSTITUTE?

Who gets the difference between the price paid the farmer for butter and that paid for other animal fats? Do you imagine that you get your meal at a hotel any cheaper because they serve oleomargarine for which they have paid 12 cents or 15 cents per pound, instead of butter costing 25 cents? Do you suppose the retailer takes chances against State laws for the same margin he makes on butter? If you imagine that the retailer is in the oleomargarine business for his health, just permit me to read you a circular issued by the Capital City Dairy Company, Columbus, Ohio, December 1, 1899. The circular reads:

COLUMBUS, OHIO, *December 1, 1899.*

DEAR SIR: With the appended change in price list we can only reiterate that our "Purity" grade is equal if not superior to most makes creamery butterine, therefore, "Purity" selling at 20 cents, "Buckeye" or "Pride" should sell at 25 to 30 cents. If you want a popular priced grade our "Silver Leaf" is particularly appropriate. Ever remember this indisputable fact: You can obtain for our butterine a better retail price than for any other make in the United States.

Purity, 14 cents per pound.

Silver Leaf, 15 cents per pound.

Buckeye, 17 cents per pound.

C. C. Pride, 18 cents per pound.

Prices subject to change without notice.

Goods billed at price in effect on day of shipment.

F. O. B. Columbus, Ohio, net cash.

In a circular letter sent the Chicago trade October 22, 1898, William J. Moxley says, among other things:

Your profit on my oleo will be double the amount made from the butter you are now handling, and your butter trade will be more satisfied if you will sell them such butterine as you can buy from me.

#### THE PEOPLE THEMSELVES DO NOT DEMAND OLEOMARGARINE.

The public does not demand oleomargarine. The people who are responsible for the traffic are those interested from a standpoint of profit. Oleomargarine is forced upon the public, and those who do the forcing are induced to do so by the profit there is in it. Retailers are induced to handle oleomargarine through promises like those quoted in the foregoing. Did you ever hear of anyone at the table asking for more oleomargarine or butterine?

In the testimony last winter before the Senate Committee on Agriculture, the above statements were most fully supported by the evidence of Mr. Isaac W. Cleaver (p. 221), proprietor of sixty-three retail markets in Philadelphia, who said:

With reference as to whether there is a demand for it (oleomargarine) or not, I have only this to say: We have a printed slip, with questions on the slip, which must be answered every week by every manager in each one of our stores. One of these questions is this: "Has there been anything asked for during the week that we do not keep? If so, what?" We have yet from all these sixty-three stores to have a single inquiry for oleomargarine.

The fact is, people who get oleomargarine, nine times out of ten call for butter, and think they are getting butter. The stuff is literally forced down their unwilling throats.

**THE REAL QUESTION IS, SHALL OLEOMARGARINE BE COLORED IN SEMBLANCE OF BUTTER?**

However, what has been said in the foregoing is really but preliminary to the whole question at issue, which now is, "Shall or shall not oleomargarine be colored in semblance of butter?"

It is not oleomargarine, the substitute for butter that we are fighting, but oleomargarine the "counterfeit." We do not care how much oleomargarine is made and sold so long as it is so manufactured as not to conflict through deception with the sale of our product. If a man prefers a mixture of lard, tallow, and cotton-seed oil to butter, there is no reason why he should not have it. We do not ask that a single ingredient that is nourishing be omitted from the mixture. He can have it to imitate butter in taste, smell, grain, and consistency; we concede him all this. We ask only one thing: That there be about the product itself some characteristic by which the public can readily distinguish it from an article of food which has been known to the public for four thousand years in the form it is now produced. We demand the distinction in color because there is no nutrition in color. Its omission will not make oleomargarine the less nutritious or palatable, only so far as it advises the consumer of its true character and thereby arouses his repugnance to taking into his stomach raw lard, tallow, and cotton-seed oil. You may say that chemically this mixture is the same as butter. We will answer that this is not true. No artificial mixture has ever been produced that is chemically the same as butter fat. Nature and nature alone produces butter.

The distinction between a "counterfeit" and a "substitute" was clearly drawn by Judge Chetlain, of Chicago, in a case under our Illinois anticolor law in 1897, in which he said in substance:

A manufacturer may produce an article to be used as a substitute for coffee. He may incorporate into this substitute all the elements he desires to make it capable of taking the place of coffee in consumption. Up to this point his business is legitimate. But the minute he goes further and makes the substitute in semblance of the coffee berry in order that it may not be distinguished from coffee he makes an imitation and counterfeit, and the very fact of his so producing it is evidence of an intent to deceive the public.

In pressing Congress for protection against the fraudulent sale of oleomargarine the dairymen have refrained from discussing to any extent the wholesomeness of the article, for the simple reason that we regarded that immaterial. We do not pretend to be endeavoring to protect the health of the people primarily. We are endeavoring to protect our own pockets and those of consumers who desire to purchase our product.

**WHERE DOES ALL THE OLEO OIL COME FROM? IS IT ALL MADE FROM CLEAN FATS?**

But in speaking to this committee as representatives of agriculture, we desire to call your attention to a few things in connection with the production of oleomargarine. Oleo oil, ostensibly, is pressed from beef fat. It is worth from 8 cents to 11 cents per pound, according as

the market varies. There is therefore great economy in fat that will make this oil. But while oleo oil is thus valuable, there must go with every quarter of beef a certain amount of fat. It is not only demanded, but sells at full beef prices of from 12 to 22 cents per pound, according to the cut it is on. Therefore to the butcher that fat is worth more than it would bring for oleo oil. Restaurants, hotels, and consumers get this fat with their beef, but a great deal goes back from the table with the plate of the guest unconsumed. The oil in this fat is too valuable to be wasted.

Dr. Sweinetz, of the Agricultural Department, in making an inspection of oleomargarine factories and abattoirs several years ago, told the secretary of the dairy union that he saw a pile of restaurant and meat-market refuse upon the floor of an oleomargarine factory then located in Pennsylvania, and that he was informed by those in charge that the better quality of this refuse fat was used for oleomargarine and the remainder for soap grease. J. S. Iglehart, Baltimore's superintendent of street cleaning, in an interview published in the *Baltimore American* August 17, 1900, is reported as follows, in connection with a tour he had made in search of a plant for the proper disposition of Baltimore's garbage:

Mr. Iglehart further explained that many of the garbage contractors in other cities made a profit out of the refuse by separating the oil, etc., from the garbage. In addition to the oil, which is always marketable at fair prices, there is a lot of fertilizing material in the general product of the plant. "One man in the West told me that he knew of an instance where butterine was made from the oil that was extracted from the product of his plant," said the commissioner. "I did not see any of the butterine, and do not believe that I would very much relish it if I knew that it was made from street garbage, but I was told that it was an absolutely pure article of food, and quite popular. It was, of course, sold as butterine, and I doubt very much whether the purchasers knew anything of its origin, otherwise I do not believe that it would be so popular.

"Another contractor showed me a jug containing some of the water that had been extracted from the refuse. It was the purest looking water I ever saw, but I did not care to drink any of it. The gentleman told me that he was conducting an experiment. I took his word for it and begged off from sampling the stuff. Every time I ate butter or drank water in that city I thought I was tasting garbage."

It has been frequently charged that the fat from horse butcheries is made up into oleo oil, and also that fats taken from animals which have died a natural death of disease have also been so utilized.

While we have not spent time and money seeking evidence of these things for the reasons stated, I desire to lay before you for your own mature consideration the fact that in no other way can we account for the production of the amount of oleo oil that is consumed and exported in this country. During the fiscal year of 1899-1900, there were, according to the Treasury Department reports, 142,000,000 pounds of oleo oil exported from this country. The same Department shows that in the same year 24,000,000 pounds were used in the manufacture of oleomargarine in this country. This is a total supply of 166,000,000 pounds for the year.

Now, where did this come from? How much oleo oil do cattle make per head?

The statement made before the Senate Committee on Agriculture in 1886 by Elmer E. Washburn, a live-stock dealer in Chicago, showed that from 148,893 head of cattle slaughtered in that city by one of the largest packing concerns there was an average of 61.5 pounds of fat in those animals used in oleo oil, and that those 61.5 pounds made 28.1 pounds of oleo oil, which goes to prove that there is less than 1

pound of oleo oil to 2 pounds of fat. If there were 28.1 pounds of oleo in each of the 5,000,000 head of cattle slaughtered in this country during the same year, this would account for only 140,000,000 of the 166,000,000 pounds in sight. This leaves 24,000,000 pounds to be accounted for. But the oleo people, in all their declarations to Congress and manifestoes to the public, claim that only the finest caul fat of the steer is used in the manufacture of oleomargarine. Experiments made by our present Secretary of Agriculture while dean of agriculture of the Iowa College showed that in 30 steers averaging in weight 1,508 pounds there was an average of but 37.66 pounds of caul fat. As it is well known that 1,200 pounds would be a heavy average for the general run of animals marketed, there would not be found more than an average of 30 pounds of caul fat in each. As Mr. Washburn's testimony is that it takes more than 2 pounds of raw fat to make 1 pound of oleo oil, it is plain that the average animal will not produce more than 15 pounds of oleo oil from its caul fat. At this rate we can account for but 75,000,000 of the 166,000,000 pounds of oleo oil that makes its appearance upon the market.

These figures have been placed before the oleomargarine makers, and they challenged to show the origin of this extra oleo oil. They have never made any attempt to show us how they get 166,000,000 pounds of oleo oil out of 5,000,000 head of cattle. We are bound to presume, therefore, that they have recourse to some source of supply regarding which they do not care to take the public into their confidence.

**THE YELLOW COLOR IS PLACED IN OLEOMARGARINE ONLY FOR THE PURPOSE OF DECEPTION.**

Now, however, we come to the kernel of the entire contention. We are accused of an effort to wipe out one industry for the advantage and protection of another because we ask to be protected in the use of our trade-mark, a yellow color, to prevent fraud. Might not the counterfeiter of our currency as well raise the cry of discrimination when he is prosecuted for imitating Uncle Sam's bank notes? Wherein lies the difference?

The Government by its laws against counterfeiting merely endeavors to prevent the use of an imitation which may be employed to defraud the public. You say that this is for the protection of our Government, not any class of people. Is that true? Does the Government lose anything if a counterfeiter induces you to accept a bogus hundred-dollar bill? Does Uncle Sam come consolingly to the front and give you a genuine bill for it, shoulder the loss, and start out in search of the culprit? Not much. He takes your bogus bill and confiscates it, and you are the loser, just the same as you are when you pay 25 or 30 cents for oleomargarine when you think you are getting butter. Counterfeiting laws are for the protection of the people. Uncle Sam won't let you print upon paper a picture of a silver dollar; a painting of one side of a one-dollar bill, which cost more than a hundred dollars to produce, was recently confiscated by the Treasury Department because it resembled our bank notes. The Government will not permit of the manufacture of paper in which silk threads have been interwoven, because silk threads are used as a mark of identification for bank notes. Look at our postage stamps. Is the Government willing



to trust to the marking of the denomination upon their faces? By no means. For the protection of the public and the convenience of the postal employees every denomination has a distinct color for identification.

And yet when we, representing an industry whose annual product outranks in value almost every other crop or product of our land, ask for our own protection and that of the public that a substitute, a counterfeit and fraud upon the people since its inception, in the hands of a law-defying element ever since it came upon the market, having upon it the universal condemnation as a fraud of every authority who has ever had experience in endeavoring to regulate it; when we, good citizens, property owners and taxpayers, come and ask that because of its deceptive character, because of its past history of fraud, and because all other means have failed—when we ask protection through a distinct color, then we have thrown at us the charge of an effort to drive a competitor out of the market through the aid of unjust laws. We declare that oleomargarine is more than a competitor of butter. It is an imitator of butter which does not merely compete, but goes down the throats of our people not alone as a competitor, but as the article we produce and instead of our article, which the people want and think they are obtaining.

We ask, Why should oleomargarine be colored? In its natural state it is a grayish white. This was conceded last winter by the largest manufacturers, despite their efforts in courts to prove otherwise. The claim they make is that if it can not be colored the whole traffic will go to the wall.

This latter claim we deny. We know that the public has no antipathy to white as a color. We know people eat white butter at the highest-priced hotels in the country; we know that puddings, ice creams, jellies, and cheese are various colors, and that the public does not demand any particular color in ice creams or jellies. Nobody can stand before a sensible body like this and state, with the expectation of being seriously received, that a man will eat bread of only one color. We eat graham bread, rye bread, and white bread. Of course, if we call for rye bread, we do not expect to get wheat bread with coal dust in it; if we call for wheat bread, we expect to have it white. We do not demand that rye bread be the same color as wheat bread simply because we are accustomed to eating wheat bread. White is supposed to be the symbol of purity. Why should oleomargarine blush to assume so virtuous a mantle, when it is its natural raiment?

Ah, there is where the shoe pinches. Oleomargarine must imitate butter. It is not because the people object to the color, white; it is because the color reveals the character of the ingredients of which it is composed. The yellow color must be used to cover up that 33 per cent of lard, which no housewife would think of putting upon her table in its raw state; it must cover up that grayish tint that reveals the mixture of fats with milk. It is a cloak to hide the presence of ingredients which do not appeal to the palate, no matter how compounded or manipulated. Color is the vehicle which conveys a repulsive mixture through misrepresentation past the scrutinizing inspection of the eye and lulls the stomach into temporary subjection. But it is a matter of history that even though deceived in its entrance, the stomach will in time, though the victim is unconscious of it, revolt at the consumption of this product. This is true in particular of a stomach that belongs to one of sedentary occupation or delicate constitution.

However, the claim that the elimination of color will ruin the oleomargarine traffic further than it will suffer through the purging it of fraud has never been sustained. The most that has been claimed by the manufacturers, when confronted by facts and logic, is that the business would suffer until they can get it reorganized upon the new basis and create a demand under its own color. The merits of the substitute have been painted in too vivid colors by its makers to admit of their conceding that the color is all there is to it that the people want. They can not consistently admit that an article that they claim is superior to most butter and can be sold at from half to two-thirds the price of the genuine article will be refused by the people because of the simple fact that it is white, when the people take white or yellow ice cream, or blue, red, or green jellies without protest and when the finest hotels in New York, London, and Paris serve butter as white as it can be made. They fail to find in all the category of foods another single article that can not be sold in its natural color. And I here challenge anyone to name a single article of food that is not salable in its natural color.

It is true, foods are largely colored, but, like butter, they are colored to resemble themselves in their most attractive shape, not to resemble something else of an entirely different color and character in its most attractive condition.

#### WHY IS THE COLORING OF OLEOMARGARINE DIFFERENT FROM COLORING OF BUTTER?

Then comes the question, which is supposed to be a conclusive argument, that will wipe all our reasonings off the face of the earth. It is: "Why color butter and not oleomargarine?"

I think our present efficient Secretary of Agriculture gave about the best answer to this stock question when it was asked him before the Senate Committee on Agriculture by Senator Money, of Mississippi. Secretary Wilson's reply was: "Because coloring butter deceives nobody; coloring oleomargarine deceives everybody."

It is the effect, not the cause, we are considering. The color of butter is not indicative of its quality. It is a custom grown up in the butter trade. It was not the result of an attempt to imitate anything else. If it is deceptive, what does yellow butter imitate? The highest-priced butter in the markets to-day is as white as it can be had. The high-toned New York hotels serve it as white as they can get it. They have never found any repugnance to the color so long as the quality was good and the public had confidence it was butter. You ask, then, if the high-class hotels serve it white, why not leave it uncolored wholly? Because for the very good reason that nature colors it. Scarcely any two cows give milk that will make exactly the same shade of colored butter. In all commodities uniformity is demanded. It matters little to us in the butter trade what the shade of color, so long as it is uniform and can be maintained. The New York hotel that uses white butter would not serve it white one day and yellow the next.

In June all butter is yellow. We can't make it white if we want to. Certain breeds of cows make yellow butter in winter. Some make white. The quality is the same, so far as color is any indication. We can't keep a uniform white color by making butter all as white as the whitest, so we have adopted the plan of coloring up to the June shade.

Some of our friends whose knowledge of the customs and details of the butter trade are necessarily limited through their lack of facilities or time for informing themselves charge that the coloring of butter is a fraud, perpetrated for the purpose of deceiving the December buyer into believing he is obtaining June butter, because butter in December is colored to what is known as the June shade.

They probably do not know that butter made in December and sold in December is worth from 5 cents to 10 cents a pound more than that made in June and offered in December. Go to a butter merchant in December and tell him you have June butter to sell. See if the fact of its having been made in June has any attractions for him. If December butter is colored with the intention of making people believe it was made in June, the maker uses mighty poor judgment in doing something that would take away from 3 cents to 5 cents a pound profit. Neither is the public fooled into thinking that fresh yellow butter produced in December is fresh grass butter. Not only do they not expect grass in December, but should they be open to deception through color in this matter they still have the faculties of smell, taste, and body to protect them against imposition, which, however, is never, for logical reasons, attempted. How is it with oleomargarine?

Butter is imitated in color, in flavor, in body, in form of roll, print, package, and the names given the various brands, like Holstein, Jersey, Guernsey, etc. The purchaser and consumer finds insurmountable and intentional deception in every feature of the substitute.

The oleomargarine makers come out and say the forcing of color out of their product will absolutely kill its sale. Yet they unanimously admit that if butter were sold white its sale would not be killed, and further state that they could sell uncolored oleomargarine, provided butter was of the same color. (See page 834.)

To those who claim that oleomargarine is colored as a result of custom, the same as butter, I ask, "What first induced the coloring of oleomargarine?" All will admit it was originally colored to imitate butter. Now, we will show you that the same is being done to-day as was done thirty years ago, when the first oleomargarine was produced, and we will do it with documentary evidence.

We have here for this purpose a copy of a circular issued by William J. Moxley, one of Chicago's largest manufacturers of oleomargarine, under date of April 15, 1899:

CHICAGO, April 5, 1899.

NOTICE TO THE TRADE.

Inclosed find a color card, which is as near the color of our butterine as the printer's art can represent. Our aim in sending you this card is to aid you in selecting the proper color suitable to your trade. Mistakes are easily made, but hard to remedy.

In nearly every section of the country there is a difference in the color of butter, and even in certain seasons of the year there is a change, as you will have noticed. In winter butter is of a lighter color than in summer. In many sections this is the result of the difference in feed or pasture.

We can give you just what you want at all seasons if we know your requirements. As an example, No. 1 has no coloring matter, No. 2 a little coloring, and so on to No. 8, which is the highest-colored goods we turn out. Preserve this card, order the color you want by number, and we will send you just what you want.

Yours truly,

W. J. MOXLEY.

Does this look like an effort to meet the tastes of the people for oleomargarine? Does the color of lard, tallow, or cotton-seed oil change

with the season, so that the people expect oleo different in color at different seasons?

This man Moxley makes 12½ per cent of all oleo made in this country. He stands back of retailers and defends them in court when they do as his agents induce them to do—sell oleomargarine for butter. Why, if he did not intend to lead these dealers to palm off this stuff as butter, did he ask them to select a color similar to that of butter in that section or at that season of the year? It might be that the people of one section might favor a particular shade of color of oleo, but that taste could not be expected to change at various seasons simply because the shade of the genuine article changed with seasons and feed.

Now a few words about the natural color of oleomargarine and the natural color of butter. The Treasury Department's report shows that 148,500 pounds of coloring matter were used in 1899-1900 to color 83,000,000 pounds of oleomargarine made in this country. This, reduced to gallons of color, means 240 gallons to every million pounds of oleomargarine.

How much color is used in butter to bring it to the same shade?

An examination of the books of the Elgin Creamery Company, of Chicago, the largest manufacturers of butter in the United States, show that they used during the same year 70 gallons of color of the same kind to 1,000,000 pounds of butter. It took more than three and a half times as much color to make a million pounds of oleo the June shade of yellow as it did to color that amount of butter. Therefore, taking uncolored oleo as a basis to measure color from, the natural color of butter is two-thirds its market color; so that while oleo is artificially colored 100 per cent, butter is 66½ per cent natural and 33½ per cent artificial. So, as a matter of fact, butter is not really colored; the yellow tint is deepened on an average only one-third. Its color is not changed by the artificial addition, only the tint deepened. With oleo it is entirely changed from a grayish white to a deep yellow.

**MAKERS OF OLEOMARGARINE AS A CLASS ARE TRICKSTERS, LAW DEFYING, AND TO BE COMPARED ONLY WITH THE MAKER OF "GREEN GOODS."**

Now, in conclusion, we desire to say to this committee that there is no such thing as an intention of those engaged in the manufacture of oleomargarine to comply with any sort of State law, be it a provision compelling the branding of the package with the word "oleomargarine" and the advising the consumer of its character or the forbidding to color in imitation of butter. The oleomargarine makers, with two or three possible exceptions, are law defying. We have proved this in the committee rooms of the nation's Capitol and have produced evidence to prove it as one after another arose to refute the imputation. And the evidence was of a documentary character. This one had made affidavit that the examination of his books by the Government would incriminate him; that one had been arrested by the United States authorities for attempted fraud; the next one had on two or three occasions been fined \$5,000 for the same offense. Another had had the charter of its company annulled by the State for "persistent and flagrant violations of the law," and that decision has been affirmed by the United States Supreme Court, and still another had been threatened by the Internal-Revenue Department with confiscation of his factory because of irregularities and violations of the Federal laws.

Each and every one stood charged and admittedly guilty of defiance of the laws of the various States, while the promoter of one of the most extensive plants in the country was shown to be under indictment in the District of Columbia for the fraudulent sale in wholesale lots of oleomargarine for butter, while his brother was serving a sentence in a Federal prison for the same offense. Evidence was produced showing that the most prominent manufacturers in the United States had defended the perpetrators of the most gigantic frauds ever known in this fraudulent business, running up into the hundreds of thousands of dollars.

And all this lawlessness, disreputableness, and fraud is made possible through the ability of these manufacturers to produce an article so closely resembling genuine butter as to make it possible for the public to be imposed upon.

During the reading of the foregoing paper the following took place:

Mr. ALLEN. You say that there is no reason why this should not be so. Then how do you account for the balance of the oleomargarine of the country?

Mr. HOARD. In my opinion, it is made from the refuse fats.

Mr. ALLEN. Where do these refuse fats come from?

Mr. HOARD. From dead animals and from all sorts of sources.

Mr. ALLEN. You think, then, of the 166,000,000 pounds—I think that was your estimate—there would be about 130,000,000 pounds come from the dead animals of the country?

Mr. HOARD. No; I am not saying that.

Mr. ALLEN. How much, then?

Mr. HOARD. The difference between the figures which you would get from the 5,000,000 head of cattle and the 166,000,000 pounds which are manufactured, whatever that may be.

Mr. ALLEN. How much do you estimate the 5,000,000 head of cattle will produce of the oleo proper?

Mr. HOARD. 140,000,000 pounds; but I am speaking in these last figures of the caul fats. Oleo oil is made entirely from caul fat, and caul fat is only one portion of the fat of the animal.

The CHAIRMAN. How many pounds do you figure out is made from refuse matter?

Mr. HOARD. The difference is about 24,000,000 pounds.

The CHAIRMAN. Following the figures that you have given from Mr. Washburne, I think you estimate it at 75,000,000 pounds.

Mr. HOARD. No; I am taking the caul fat.

The CHAIRMAN. How many million pounds of oleo oil is used in a year?

Mr. HOARD. Let me go over this again.

(Mr. Hoard reread part of his prepared paper covering this subject.)

The CHAIRMAN. That is what I understood—that 75,000,000 of the 166,000,000 pounds are thus accounted for.

Mr. HOARD. This is provided that the statement of the oleo manufacturers is true, that they make it only from caul fat.

Mr. MOODY. Now, if they make it from caul fat you leave it to inference where the other comes from, whether it is from the garbage wagon or where?

Mr. HOARD. Yes; I leave it to inference.

(Mr. Hoard continued the reading of his paper.)

Mr. WILLIAMS. Do you pretend that nature colors all the butter in the market?

Mr. HOARD. No; but nature does color it.

Mr. WILLIAMS. Some of it.

Mr. HOARD. I will show you how much.

(Mr. Hoard continued to read from his paper.)

The CHAIRMAN. What do these hotels do for white butter at that time of the year (referring to the statement read by Mr. Hoard, that in June all butter is yellow and could not be made white)?

Mr. HOARD. I do not know. What I don't know would make a dictionary; what I do know is only a primer.

(Mr. Hoard continued to read from his paper.)

Mr. HOARD. For instance, the Guernsey cow makes it on account of the excess of the yellow pigment in her makeup.

The CHAIRMAN. More than the Jersey cow?

Mr. HOARD. Yes; it is so yellow that some people object to it.

(Mr. Hoard continued to read from his paper.)

Mr. ALLEN. Where are those figures taken from as to the coloring matter used in oleomargarine?

Mr. HOARD. The report of the Secretary of the Treasury.

(Mr. Hoard continued the reading of his paper.)

Mr. MOODY. What is this coloring that is used in the butter made of?

Mr. HOARD. It is made of various compounds; it is made of annatto by some, and of various yellowish coloring materials; some make it from analine.

The CHAIRMAN. Particularly from annatto, is it not?

Mr. HOARD. I don't know; probably so. When I used to be a butter and cheese maker I used annatto coloring entirely.

Mr. DAHLE. It has changed.

(Mr. Hoard continued the reading of his paper.)

Mr. SCOTT. I think that would depend on the time of year when the experiments were made with the butter.

Mr. HOARD. Yes, to some extent; but I am taking this general statement right through.

Mr. SCOTT. He is speaking of the amount necessary to color 1,000,000 pounds of butter.

Mr. HOARD. That was for the year.

(Mr. Hoard continued the reading of his paper.)

Mr. SCOTT. Does that remark (referring to the statement, "the yellow tint is deepened on an average only one-third; its color is not changed by the artificial addition—only the tint is deepened") apply, Governor, to the butter which is commonly known as process butter?

Mr. HOARD. I do not know, but I think so. I do not think the process butter is destroyed in its natural color by the process.

Mr. SCOTT. What is known as process butter is white as it comes from the churns, is it not?

Mr. HOARD. That I do not know, for I have no technical knowledge of process butter.

(Mr. Hoard concluded the reading of his paper.)

Mr. WILLIAMS. I would like to ask you a few questions, if you are willing.

Mr. HOARD. Certainly.

Mr. WILLIAMS. I understood you to say in a part of your address that you regarded coloring oleomargarine as an infraction of the butter men's trade-mark.

Mr. HOARD. Yes.

Mr. WILLIAMS. What do you mean by that; who made the butter-color or any particular color your trade-mark?

Mr. HOARD. God Almighty.

Mr. WILLIAMS. What particular color did He make your trade-mark for butter? Is all butter yellow?

Mr. HOARD. All butter is yellow so far as any color is concerned. White is no color.

Mr. WILLIAMS. Well, the butter which is cream colored or very slightly above yellow color is not God Almighty's trade-mark for butter, is it?

Mr. HOARD. What is it?

Mr. WILLIAMS. What shade of butter is God Almighty's trade-mark for butter?

Mr. HOARD. That is impossible——

Mr. WILLIAMS. Impossible to tell?

Mr. HOARD. Yes.

Mr. WILLIAMS. Why, if God Almighty has given the butter men a particular color, do they add coloring matter to the article?

Mr. HOARD. Because, as I have said, the demand for the market article may be one shade or another of this particular yellow. For instance, in New Orleans the taste of the market is for a very deep color. In Boston they call for a light color, a straw color.

Mr. WILLIAMS. That is true, so that the trade demands that the dairymen shall change God Almighty's trade-mark?

Mr. HOARD. The same in that particular as in other matters which are left to His discretion.

Mr. WILLIAMS. So that if God Almighty has given you any particular color, any shade of yellow, as a trade-mark for butter, you claim the right to change that shade when you please?

Mr. HOARD. Certainly.

Mr. WILLIAMS. And you do not think you are injuring anybody by changing it?

Mr. HOARD. No.

Mr. WILLIAMS. Or doing the public any harm?

Mr. HOARD. No, sir.

Mr. WILLIAMS. And you do not think that you are harming anybody, because you are deceiving nobody?

Mr. HOARD. Yes.

Mr. WILLIAMS. Now, let me ask this: If coloring oleomargarine is a fraud because it deceives people into believing it is butter, why is not coloring butter a fraud because it deceives people into believing that it is another sort of butter from what it really is?

Mr. HOARD. Your premise is unsound.

Mr. WILLIAMS. Why? Explain why.

Mr. HOARD. Because the fact doesn't exist.

Mr. WILLIAMS. Which particular fact, that they color it or that somebody is deceived?

Mr. HOARD. Somebody is deceived in thinking that oleomargarine is butter.

Mr. WILLIAMS. And if a man buys yellow butter which has been colored to yellow, he is deceived in the kind of butter?

Mr. HOARD. No.

Mr. WILLIAMS. I should think he was.

The CHAIRMAN. Is it not a fact that butter of the June color commands a higher price on the market than white butter?

Mr. HOARD. Not in some markets.

The CHAIRMAN. In the butter markets generally?

Mr. HOARD. In the general butter market butter is measured by its quality. The taste of the market—I can give you an idea to measure this question of valuation by color. In all butter contests the scale is 100, and the butter is judged on a table. The judge marks up the butter by fractions of 100. The quality is usually put at 50, showing the major quality to judge as to the value of butter.

The CHAIRMAN. That is judging butter at fairs; that is not in the general markets of the country.

Mr. HOARD. The same principle applies everywhere, because the men who judge at fairs are market men. They are the ones selected to judge butter almost universally. Skillful market experts are selected to judge butter because of their market judgment. The flavor is usually put down at 5 or 10; it is a minor consideration, but it is a consideration that the butter shall be in the color of the taste of the market.

Mr. WILLIAMS. Now, I am not an expert. When I go into a grocery store and want yellow butter, and they sell me white butter which has been colored yellow, do you contend that I am not deceived?

Mr. HOARD. I contend you are not deceived in so far as you want yellow butter; you have got yellow butter.

Mr. WILLIAMS. But I have got artificially colored yellow butter, and I want natural yellow butter.

Mr. HOARD. That, it seems to me, is splitting hairs.

Mr. WILLIAMS. I think so, too—about the oleomargarine coloring and the butter being colored. That is what I am trying to establish and trying to establish it on the basis of butter. I understood your objection to coloring oleomargarine was that it was an imitation.

Mr. HOARD. Yes.

Mr. WILLIAMS. When you color white butter to make that yellow, is not that an imitation?

Mr. HOARD. No; that is not an imitation. What does it imitate?

Mr. WILLIAMS. It imitates yellow butter, in my opinion, but I am asking you the question.

Mr. HOARD. I do not think it can be an imitation.

Mr. WILLIAMS. I am clearly of the opinion that when you color white butter you are imitating yellow butter.

Mr. HOARD. I showed you the color was simply deepened.

Mr. WILLIAMS. Well, suppose it is.

Mr. HOARD. That the original color—

Mr. WILLIAMS. Let me ask you this question, then. Suppose you color a thing. Let us take a percentage, to illustrate. Let us say 20 per cent. Deepen its coloring 20 per cent, and then suppose you deepen its color 20 per cent. If there be a fraud at all in either change of color is not the difference one of degree and not of kind?

Mr. HOARD. I do not think so.

Mr. WILLIAMS. Very well. Let me ask you this: You say these oleomargarine makers say that if they can not color their oleomargarine their business will go to the wall. Is it not very true that a great many butter makers make an inferior sort of white butter and that their business would go to the wall if they could not color it?



Mr. HOARD. I do not think so, because that isn't true. Inferior butter goes for inferior butter in the markets and the coloring of it won't save them.

Mr. WILLIAMS. Then, if what you state be true, why is it that the dairymen go to the expense of buying and putting in a coloring matter if they do not expect to get back from the consumer at least the price of the coloring matter plus a reasonable profit?

Mr. HOARD. Why do they go to the expense of doing anything about the business?

Mr. WILLIAMS. For the purpose of making money.

Mr. HOARD. Why do they go to the expense of putting it in a fine, nice package; is it for the purpose of deceiving?

Mr. WILLIAMS. I am asking you a question.

Mr. HOARD. And I am answering you with another question.

Mr. WILLIAMS. I would say I do not think it is, but I ask you this question and would like you to answer: Is not the object of going to the expense of putting coloring matter in butter to make a profit thereby?

Mr. HOARD. The object of doing anything with the butter is to make a profit.

Mr. WILLIAMS. I din't ask that.

Mr. HOARD. Oh, the object is to put the butter on the market in accordance with the taste of the consumer, the same as you do anything else, the same as you would shape your pleading for the interest of your client.

Mr. WILLIAMS. Now, Governor, I am supposing that the butter is made; it is there, and it is white butter, or comparatively white butter—

Mr. HOARD. We do not find any such.

Mr. WILLIAMS. I am assuming a case. There are such butters, are there not?

Mr. HOARD. Yes, I suppose so.

Mr. WILLIAMS. Very well. There is a butter of that sort. We are assuming it is made, and it is white. A man comes along and puts coloring matter in it. I ask you if he would go to that expense unless he expected to derive a profit from doing it?

Mr. HOARD. Certainly not. He expected a profit on his butter, but the fact is that he makes that butter to suit the taste of the consumer.

Mr. WILLIAMS. And so does the oleomargarine manufacturer.

Mr. HOARD. But the case is different.

Mr. WILLIAMS. Do not misunderstand me. I am not trying to get into a debate with you; I am asking you questions as a member of the committee.

Mr. HOARD. Very well.

Mr. WILLIAMS. Is it not true, then, that the purpose of the man in putting coloring matter into his butter is to meet a market demand?

Mr. HOARD. Yes, sir.

Mr. WILLIAMS. And is not his purpose in meeting a market demand to make a profit by doing it?

Mr. HOARD. Yes.

Mr. WILLIAMS. Now then, if he manages to sell to somebody an article by putting artificial coloring matter into it which he could not have sold to that particular person at that particular price without putting that artificial coloring matter in it, then is not that as great a fraud as putting coloring matter into any other article of commerce?

Mr. HOARD. No sir; no sir, because he has not colored it to imitate any other article in substance and character.

Mr. WILLIAMS. All right. If the sole object of this legislation is to prevent fraud and prevent imitation and prevent counterfeiting, would it not be better not to tax uncolored oleomargarine?

Mr. HOARD. Not to tax it?

Mr. WILLIAMS. Yes.

Mr. HOARD. Well, there are two distinct shades of opinion on that question, as I have said.

Mr. WILLIAMS. I ask you your opinion?

Mr. HOARD. I said to you a year ago that so far as the dairymen of the United States are concerned they would not care at all about taxing the uncolored oleomargarine.

Mr. WILLIAMS. Governor, are you not here as a representative of the National Dairymen's Association?

Mr. HOARD. Yes, sir.

Mr. WILLIAMS. Yes. Then, speaking for them, it is your opinion that it is their opinion that for the purpose of preventing fraud there is no use in taxing uncolored oleomargarine?

Mr. HOARD. No, sir; I did not say that. I prefaced my remarks to you by saying that there were different shades of opinion on the question among the dairymen themselves in the National Dairy Association, but that so far as I was individually concerned—

Mr. WILLIAMS. I thought you said that you were speaking for them; I beg your pardon. Now, then, this bill—the Grout bill—meets with the approbation of the National Dairy Association?

Mr. HOARD. It meets with the approbation of some of them.

Mr. WILLIAMS. Has it not met with their organized approval?

Mr. HOARD. Yes.

Mr. WILLIAMS. Has not the association sent people here to advocate its passage through the House?

Mr. HOARD. Yes.

Mr. WILLIAMS. And this bill does tax uncolored oleomargarine?

Mr. HOARD. Yes.

Mr. WILLIAMS. Is taxing uncolored oleomargarine conducive, in the slightest degree, to prevent any fraud which is now perpetrated?

Mr. HOARD. In my private judgment, no, sir. So far as my private judgment is concerned, I think it would be more consistent not to tax uncolored oleomargarine. But other men differ from me in that particular.

Mr. WILLIAMS. Is the National Dairymen's Union an incorporated institution?

Mr. HOARD. No, sir; it is a voluntary association of men.

Mr. WILLIAMS. A voluntary association?

Mr. HOARD. Yes.

Mr. WILLIAMS. Something was said about taxing out of business a competitive industry, and I heard your argument upon that question with a considerable degree of interest. This voluntary association is paying the expenses of people here for the purpose of passing the oleomargarine bill, is it not?

Mr. HOARD. Mr. Williams, I have spent something like \$1,300 out of my pocket for the National Dairymen's Association, and I have never received a penny of it.

Mr. WILLIAMS. And don't expect to?

Mr. HOARD. No, sir.

Mr. WILLIAMS. But are they not paying the expenses of people here?

Mr. HOARD. They have paid some expenses, but they have paid no salaries and nothing except the absolute necessary expense. In some instances they have paid some expenses.

Mr. WILLIAMS. Would they have done that if it had not been a business enterprise? It is not only a business interest, but it is a selfish interest that they had in it. Would they have done it had it been purely a moral question?

Mr. HOARD. So far as I am concerned, I can only speak for myself. I did it because I wanted to promote commercial justice in this business and I wanted to stop commercial dishonesty and fraud.

Mr. WILLIAMS. Then why not join with me in taxing all food products that are colored or otherwise artificially made so as to resemble other food products or higher grades of the same product?

Mr. HOARD. I might some time, but so far as I am concerned I generally do one thing at a time.

Mr. WILLIAMS. Why not go with me in providing for pure butter, then? Why not join me in passing the renovated-butter bill, and stop this going around collecting cast-off butter and rechurning it and turning it out as butter of the finest kind?

Mr. HOARD. Mr. Williams, when we get through with this job I will be willing to join you in that job.

Mr. WILLIAMS. Well, perhaps so; but I was afraid you would lose interest in the other job later on.

The CHAIRMAN. You do not know anything about the frauds of the renovated-butter people, but you have looked thoroughly into the frauds of the oleomargarine people?

Mr. HOARD. Yes.

Mr. WILLIAMS. Do you contend in your testimony before this committee—do you really believe, as a matter of fact, of your own conviction, that oleomargarine is an unwholesome product?

Mr. HOARD. I do.

Mr. WILLIAMS. Do you know any authority that you can cite on that proposition to-day?

Mr. HOARD. I cited it to you in my argument to you last year.

Mr. WILLIAMS. So you rest upon that? I remember that very well. Now, if the sole object of legislation is to suppress fraud, and not, as I believe, to stamp out an industry; if the sole object be to suppress fraud, I would like to hear you a moment upon what possible objection you could find to the Wadsworth substitute bill of last year as a fraud suppressor.

Mr. HOARD. It does not go to the extent that I want it to. It is inadequate, in my judgment.

Mr. WILLIAMS. Is that your only objection—just that general objection? In what particular does it fail to stamp out anything that is really a fraud?

Mr. HOARD. It is the opinion of men who have had thirty years' experience in this matter that it is not adequate, that the makers and venders of it will be able to evade it.

Mr. WILLIAMS. In what way is it not adequate?

Mr. HOARD. Because the only possible way that I know of to get at this question is by this very system of a tax upon the frauds sufficiently large enough to make the business expensive.

Mr. WILLIAMS. Then I understand you to take this position, that the only method you can imagine of suppressing the frauds incidentally connected with the manufacture of oleomargarine is to encumber not only those committing the frauds but the others dealing honestly in oleomargarine with taxation?

Mr. HOARD. I do; all those dealing in oleomargarine as an imitator of yellow butter.

Mr. WILLIAMS. But in this very bill you also tax it when it does not imitate butter.

Mr. HOARD. What bill?

Mr. WILLIAMS. The Grout bill.

Mr. HOARD. The committee has not reported the bill.

Mr. WILLIAMS. I know, but we understand that is the bill you are advocating and of course we are perfectly frank with one another here.

Mr. HOARD. Yes.

Mr. WILLIAMS. Now, do you not believe it would be possible to draft a bill which would discourage or suppress frauds in connection with oleomargarine without discouraging and suppressing the business itself?

Mr. HOARD. I do not understand that the fraudulent part of the business has any rights in justice before the law.

Mr. WILLIAMS. Neither do I.

Mr. HOARD. And consequently I am concerned about its suppression.

Mr. WILLIAMS. But that is not what I said. I asked you if you do not think it possible to draft a bill that can suppress the fraudulent parts of it without suppressing the industry itself.

Mr. HOARD. I do not know.

Mr. WILLIAMS. You are willing, in order to punish those who have committed frauds, to stamp out of existence, if necessary, or at any rate to weigh down with heavy taxes, all those engaged in the industry, no matter how honestly they may be engaged in it?

Mr. HOARD. That is assuming more than I have given you any reason for assuming.

Mr. WILLIAMS. I ask you if that is a fair assumption, and, if not, please state why not. I ask you if you do not think there is some way to suppress the frauds without suppressing the business?

Mr. HOARD. I am not engaged in bootless speculation.

Mr. MOODY. If you are through I would like to ask a question.

Mr. WILLIAMS. I am not through yet, but you can go on.

Mr. MOODY. I want to ask this question: In making these component parts that enter into oleomargarine, combining them the way they do and coloring them the way they do and selling them the way they do, is not that a fraud from start to finish?

Mr. HOARD. Any law would define it so. I reason up to it somewhat in this light: The imitation is a counterfeit, and counterfeiting is a fraud, and fraud has no rights before the law as against an honest right.

Mr. WILLIAMS. I am willing to follow you in that, but I go further and say all imitations are counterfeits, and counterfeits are frauds, and frauds have no rights before the law, whether they are in the dairy or in the oleomargarine factory. But all of you are not willing to go that far. I offered an amendment to the bill last year, and it was voted down by those gentlemen who wanted to stop a fraud in connection with oleomargarine.

The CHAIRMAN. Are you familiar with the Brosius bill?

Mr. HOARD. Somewhat.

The CHAIRMAN. Do you think that would cover the case?

Mr. HOARD. Not wholly.

The CHAIRMAN. Would you be willing to accept an amendment to the present so-called Grout bill preventing the coloring of butter?

Mr. HOARD. No, sir; because it would be impracticable.

Mr. SCOTT. I had a letter from a creamery man saying he would do so.

Mr. HOARD. No, sir; you can not indict a cow, and so it is not practicable.

The CHAIRMAN. That is not the question. The question is whether you are willing to prevent its being colored artificially.

Mr. HOARD. That would be impracticable in the nature of things.

The CHAIRMAN. Why? I am a manufacturer of butter. I color every pound of butter because I get from 5 to 10 cents more for the butter by reason of its being colored.

Mr. HOARD. That would depend somewhat on the market.

The CHAIRMAN. I have the western New York market. I do that because I get more money for it, as suggested by the question of Mr. Williams.

Mr. HOARD. I am a manufacturer of butter myself. I do this because, as I have said, I have to do all the things necessary to make the butter attractive to the customer, to make it palatable, healthful, and sweet and wholesome—all the things that belong to it in the technique of the business.

The CHAIRMAN. We find that in the manufacture of butter made from different kinds of cows raised on different grass the color will vary very much. They feed in winter on different kinds of food from what they eat in summer. We have had cases where customers, receiving the same butter from day to day, have returned it on account of the color. I remember one case of that kind was one of the leading hotels in Buffalo. They returned us some of our butter and said: "We do not want butter that you have gone outside to buy; we want the butter you make yourself."

I want to know this: Whether oleomargarine will vary in color from one day to another.

Mr. HOARD. I think not.

The CHAIRMAN. Because if it does that would be a serious detriment to the trade. It is a serious detriment to the butter trade.

Mr. HOARD. I do not think it varies; I do not know.

The CHAIRMAN. It is a queer fact that butter does vary, and no scientists have yet been able to determine the reason of it.

Mr. HOARD. Butter not only varies, but the amount made from a certain quantity of milk varies.

Mr. WILLIAMS. Do you know whether the butter people in coloring their butter use any of the aniline colors?

Mr. HOARD. I think they do somewhat.

Mr. WILLIAMS. Then if there is anything wrong in aniline colors, they use those colors too.

Mr. ALLEN. If a creamery produces a certain butter, will that butter sell for as much if it is white as if it is colored yellow?

Mr. HOARD. I think not.

Mr. ALLEN. Then if the dealer gets a better price for his butter, does he not get the increased price by reason of the deception?

Mr. HOARD. It is not a deception.

Mr. ALLEN. Why not?

Mr. HOARD. Because the market does not demand a deception. It demands a certain thing.

Mr. ALLEN. Assuming that the Wadsworth substitute did become a law and that every man is presumed to know the law, how can a consumer be deceived when he purchases oleomargarine?

Mr. HOARD. You are assuming—

Mr. ALLEN. That is a legal maxim, that every man is presumed to know the law. Then, if the bill is passed, and every man is presumed to know the law, how can he be deceived?

Mr. HOARD. He may be presumed to know the law, but he may not be presumed to know the product. The product and the law are two different things.

Mr. ALLEN. The law requires—or rather this bill requires, if it should become a law—that it shall be stamped and branded in a certain way. He is presumed to know that. Then, when the product is produced to him to be sold to him and he sees that fact does not exist, is not that a certificate to him that it is not the oleomargarine provided for in the substitute?

Mr. HOARD. How many men do you think there are in the United States who consume butter or oleomargarine and are sure which it is?

Mr. ALLEN. That is the question that I was asking you. I was asking you on that basis.

Mr. HOARD. I would rather reason from what I know than from what I do not know.

Mr. DAHLE. Speaking about butter being white, do you understand that butter uncolored is white, as white, for instance, as oleomargarine?

Mr. HOARD. No.

Mr. DAHLE. At any season of the year?

Mr. HOARD. No, sir; it does not resemble the color of oleomargarine.

Mr. DAHLE. Neither under the best or worst conditions is it as white as oleomargarine?

Mr. HOARD. No, sir; not of the same color.

Mr. WILLIAMS. Did you ever see any butter made down in the piny-woods country in the South and made from the milk of cows who had gotten their living from the piny woods?

Mr. HOARD. I don't think I ever did.

Mr. WILLIAMS. The butter that you are acquainted with is a butter of the highly developed sections of the country, it is not?

Mr. HOARD. Yes.

Mr. WILLIAMS. So you do not know whether you would modify that statement of no butter being exactly white if you were acquainted with butter everywhere?

Mr. HOARD. I said to you that I preferred to reason from what I know and not from what I do not know.

Mr. WILLIAMS. I understand; but I did not want you to be understood by the committee as reasoning from more than you knew, and I wanted to correct the basis of your information.

Mr. WRIGHT. I would like to ask, however, if the Governor is not well acquainted with all the butter that enters into the general commerce of the country, and whether he does not find it universal in those districts?

Mr. HOARD. Am I acquainted—

Mr. WRIGHT. You are acquainted with all the districts where butter enters into the general markets of the country?

Mr. HOARD. Yes, sir.

Mr. DAHLE. One other question, if you please. Mr. Williams was asking you in regard to the manufacture of inferior and lower grades of butter, as to why they put coloring matter in it. As to that, do you suppose that it makes any difference whether it is colored a particle or not? Does that lower grade of butter which comes into the market gain anything by being colored?

Mr. HOARD. Not a bit.

Mr. DAHLE. Not a particle?

Mr. HOARD. Practically that butter is refuse stuff, it being of varying degrees of excellence and flavor, but it is the product of a small farmer principally, traded to the crossroads grocery store for various articles he wants, and taken by the merchant under protest because he doesn't want to offend the farmer's wife. If there is anything on earth that a farmer's wife will resent with indignation, it is a reflection on her butter or on her baby.

Mr. WILLIAMS. That sort of butter is increased in price by coloring it, is it not?

Mr. HOARD. I do not think so.

The CHAIRMAN. If that butter is not increased in value by coloring it, why can not I sell uncolored butter for within 5 or 10 cents a pound of what I can sell colored butter for—if your answer to Mr. Dahle is correct?

Mr. HOARD. He is talking about this refuse butter.

The CHAIRMAN. He said white butter.

Mr. HOARD. No; the butter that goes into process butter, the butter that is picked up around the country, is bought up by the grocery people; and he asked me if that butter was helped by being colored.

Mr. DAHLE. Another question, then. Do you believe that there is a difference of 5 or 10 cents a pound in white and colored butter placed in the market—for instance, in the New York market—to-day? Can there be 5 or 10 cents a pound difference in the value of creamery butter, depending upon whether it is white or not?

A MEMBER. I would not put that "white butter;" I would put it "natural butter."

Mr. HOARD. Do you mean if we have calls for white butter at the same price as yellow butter?

Mr. DAHLE. Yes; whether white butter is sold at the same price as yellow butter.

Mr. HOARD. Yes; we have demand for it.

Mr. DAHLE. Is it not true that there is a certain demand for white butter that enables you to get even a higher price for it?

Mr. HOARD. Yes, even a higher price; but the fact is we could not furnish it.

The CHAIRMAN. What percentage of butter is uncolored?

Mr. HOARD. I think but very little.

The CHAIRMAN. I mean the butter of commerce. Is there more than 5 per cent uncolored? I am not speaking of individual butter producers, but the butter of commerce, such butter as the Elgin butter. I claim that not over 5 per cent is uncolored. If that is so, your demand for white butter to-day is very limited. It is confined to a few ultra fashionable hotels in New York.

Mr. HOARD. Yes; but we get confused sometimes in thinking over this butter question. The butter comes from two sources—from the ordinary farmer's wife—

The CHAIRMAN. I am speaking of the butter of commerce. I am not speaking of the farmer's wife's butter, because that is very bad butter, as a rule, and is generally worked over and sold back as renovated butter.

Mr. HOARD. I do not know of any butter made in creameries that is not colored. I do know of farmers' wives making butter and selling it, and that comes in without being colored.

The CHAIRMAN. I state positively, as a manufacturer of butter, that I have had to take 5 to 10 cents a pound less whenever I have attempted to sell uncolored butter. That is my experience as a manufacturer, and I state it positively.

Mr. HOARD. My experience as a manufacturer is different, probably, because I have never been confronted with the proposition. I have been asked by Jews in New York and Pittsburg and St. Louis, where we sell butter—and we manufacture butter for 7,000 families and deliver it to them every week—to send them some butter lighter in color than I could possibly obtain, and they offered to pay a high price for it. Now, then, that was merely with them a question of taste, you understand. But I could not furnish it; the cows would not make it.

Mr. MOODY. You say those were Jews?

Mr. HOARD. Yes.

Mr. SCOTT. The State I represent is the third largest cattle-growing State in the country, and I am interested, therefore, in knowing what effect, if any, this legislation is likely to have on that industry. I understood you to say the cattlemen have been unnecessarily alarmed by the arguments of the oleomargarine people, and that that, in your judgment, the injury inflicted upon the cattle industry, as well as upon the swine industry and the cotton-seed oil industry, would be practically inappreciable.

Mr. HOARD. Yes; it has been very largely overestimated, if there is any injury whatever.

Mr. SCOTT. And so far as the raw materials go for the manufacture of oleomargarine, the people who make it practically find it in the road; that is, they are not at any expense to speak of in the matter?

Mr. HOARD. A certain proportion that we can not account for by any known system of computation.

Mr. SCOTT. I do not think you understand my question. If the passage of this legislation, or the entire destruction of the oleomargarine industry, will carry with it no harm to the stock raising or the cotton seed oil industry, then the manufacturer of oleomargarine must pay nothing to those industries for their raw material?

Mr. HOARD. That is practically the fact, Mr. Scott. I have had letters from men in your State, heavy stockmen, and from men in Colorado and elsewhere, declaring to me that they never, in their estimation, received a penny more for their cattle because of the oleomargarine industry.

Mr. SCOTT. I understand, taking the figures which you gave, that even allowing that the entire cost of the raw materials which enter into oleomargarine are paid to the purchasers of those raw materials, the loss to the farmers would be some \$4,450,000, while the loss which



they suffer by reason of oleomargarine displacing butter is something over \$21,000,000?

Mr. HOARD. \$21,000,000.

Mr. SCOTT. Now, that is on the assumption that all the oleomargarine that goes on the market is sold as butter?

Mr. HOARD. Yes.

Mr. SCOTT. And sold fraudulently?

Mr. HOARD. Sold as a substitute for butter.

Mr. SCOTT. And sold fraudulently?

Mr. HOARD. We figure about 90 per cent of it is finally consumed under the supposition that it is butter.

Mr. SCOTT. You think 90 per cent is sold fraudulently?

Mr. HOARD. Yes; is finally sold and consumed as butter. For instance, you may take the boarding houses and the hotels. The grocery stores and the dealers buy it from the manufacturer for what it is, and the boarding-house keeper buys it from the dealer, but the consumer buys it of the boarding house for another thing.

Mr. WILLIAMS. What percentage of the butter of the country is used in boarding houses and hotels and restaurants?

Mr. HOARD. A very large per cent.

Mr. WILLIAMS. Do you suppose that 10 per cent of the butter used in the United States is used in restaurants and hotels and boarding houses?

Mr. HOARD. I could not give you any figures, but a very large percentage is.

Mr. WILLIAMS. I should think that 5 per cent would be a very large estimate.

Mr. HOARD. Take the city of Chicago with all of its restaurants and cafes and lunch counters. The consumers of butter there in those places would certainly amount to a large number. It is so in every city throughout the country.

Mr. SCOTT. Is it your opinion that the oleomargarine which is fraudulently sold as butter materially affects the price of butter in the United States?

Mr. HOARD. I can say to you to-day that the price of butter is three-fourths of a cent less than it was a year ago, in spite of the fact that everything entering into the making of butter is from two to three times as high as ever before. For instance, feed is very much higher. Timothy hay in my country is worth \$18 a ton, and I never saw it above \$10 before. Everything entering into the construction of butter is higher.

Mr. SCOTT. Is it not true that oleomargarine competes chiefly with the lower grades of butter?

Mr. HOARD. No, sir.

The CHAIRMAN. You made the statement that butter is three-fourths of a cent cheaper to-day than a year ago?

Mr. HOARD. Yes.

The CHAIRMAN. You can account for that by the difference in the grazing season, can you not?

Mr. HOARD. We had a drought this year.

The CHAIRMAN. That did not prevail except in certain sections. In the East the grazing was magnificent.

Mr. HOARD. But in the West the butter product was shortened immensely last year. It affected you the last year the same way in the East.

Mr. SCOTT. I ask you if oleomargarine does not compete chiefly with the cheaper grades of butter, and is it not a fact that it has no effect on the better grades of butter?

Mr. HOARD. No, sir. It sells for the best grade of butter wherever it can be imposed.

Mr. SCOTT. Let me illustrate by the Washington market. We find butter here ranging from 35 cents to 60 cents a pound. Oleomargarine is sold at 20 cents per pound. Now, the sale of oleomargarine at 20 cents a pound would not interfere with the sale of butter at 35 to 60 cents a pound, would it? I mean in the sense of reducing the price of butter?

Mr. HOARD. The butter you speak of as selling at from 35 to 60 cents—

The CHAIRMAN. The cheapest we get good butter here for is 35 cents a pound.

Mr. HOARD. The wholesale price of that butter to-day is about 24 cents.

Mr. MOODY. All they charge for the Elgin butter is 35 cents a pound.

Mr. WILLIAMS. And make 50 per cent profit?

Mr. HOARD. That is what these dealers are charging. You can go to the Elgin market to-day. It is quoted every Monday. Last Monday it was 24 cents per pound.

Mr. WILLIAMS. Butter making must be a very profitable business.

Mr. HOARD. The dealer is one proposition and the butter-producing people is another.

Mr. SCOTT. If this bill should become a law, the tax adds 8 cents a pound to the price of oleomargarine. That would bring it up to 28 cents per pound. The price of the lowest table butter here is 35 cents. That would still leave a margin of 7 cents, and would not that be something of a temptation to the man to violate the law and sell oleomargarine for butter?

Mr. HOARD. My dear man, I think there is a constant temptation to the average cheat.

Mr. SCOTT. The question is whether the passage of this bill—and I am asking this question honestly, and I want your judgment—will meet the object which it is intended to meet—to prevent the fraudulent sale of oleomargarine?

Mr. HOARD. I think so, to the extent that it will load the industry with this burden that will make it unprofitable. The Government taxed the State banks out of existence. Federal legislation can proceed only along that line. We, unfortunately, have not a form of government in that respect like Canada. In Canada they can put a fraud or a cheat out of existence, but we have to proceed along the lines, we can.

Mr. SCOTT. There is only one other statement in your remarks I would like to ask your attention to, and that is your implication that a very large quantity of the oleo oil which goes into the manufacture of oleomargarine comes from refuse, from sources which the manufacturers would not like to advertise. I notice in the report of the hearings of last year a number of chemists assert that oleomargarine fit to go on the market and of any salable value can not be manufactured of stale oil or oil manufactured from stale materials. What is your opinion about that?

Mr. HOARD. My opinion of the average chemist—I might say of some chemists—is that he is the scientific prostitute of the age.

Mr. SCOTT. The article from which I quote is published in the Scientific American, and I presumed—

Mr. HOARD. Just a moment as to the right of the chemist to step in here and control your judgment. The chemist is not a physiologist. The chemist has no right to say what, in nine cases out of ten, they do say on these questions, because the chemistry of the stomach is not qualitative or quantitative; it is not analytic chemistry. For instance, you can take a manure heap and proceed to take a qualitative analysis of that manure heap and it will analyze as rich in digestible nutriment by chemistry as the best specimen of clover hay.

Mr. SCOTT. My question did not go to the question of purity, but simply to the possibility of its manufacture from stale oil.

Mr. HOARD. As to whether it is a mechanical possibility?

Mr. SCOTT. No; as to whether it is a chemical possibility. The manufacturers of oleomargarine are obliged to use the best kind of oil in order to manufacture their article?

Mr. HOARD. In answer to that I would say that when the Hunter Point nuisance was indicted in New York there was testimony taken and it was there proved—

The CHAIRMAN. How many years ago was that?

Mr. HOARD. I think about fifteen years ago or sixteen years ago. It was there shown, if I remember correctly, that the oil from dead horses was sold to the oleomargarine manufacturers. There is to-day in existence in Newark, N. J., a rendering establishment that takes up the dead animals of the city and renders them, and it is claimed by the public prints that this oil is sent to the olio factories. In the Frank Leslie's Monthly for June, 1894, will be found an article on the horses of the United States, a very able article, in which it is openly and clearly stated that the oil rendered from dead horses in New York is sent to the oleo factories. There is no reason on earth that I know why this should not be true, for when once the making of butter is turned over to the greed of capital and the greed of men for gain, there is no natural let or hindrance; whereas with butter it is a natural product and always advertises its own condition. Any attempt to meddle with it, to conjure with it, to juggle with it, is at once advertised by the flavor of the article. There is nothing artificial that can be put into butter to give it flavor.

Mr. WILLIAMS. One more question. If the testimony of chemists as to the wholesomeness of butter is not to be heeded because they are the scientific prostitutes of the age—

Mr. HOARD. I did not say "they;" I said some were.

Mr. WILLIAMS. Then why not have some physiologists with their testimony to establish its unwholesomeness, if it is unwholesome?

Mr. HOARD. I would like to say that in France they have prohibited its use in the hospitals because of its unwholesomeness.

Mr. WILLIAMS. You are acquainted with the testimony that has been given here?

Mr. HOARD. Somewhat so.

Mr. WILLIAMS. Is not all the testimony that has been introduced here from scientific men, whether from chemists or physiologists or whoever they may have been, been to the effect that they could not say that oleomargarine is unwholesome?

Mr. HOARD. No, sir; because there was plenty of testimony in 1886—

Mr. WILLIAMS. Yes; back at the very beginning there was. During this whole hearing here last session was not that question asked of nearly everybody, and do you remember a single man, a man who was a scientist in any respect, either a chemist or a physiologist, who said in his opinion oleomargarine was unwholesome?

Mr. HOARD. Dr. Wiley modified his testimony somewhat.

Mr. WILLIAMS. Is that the testimony you rely upon? If you do I will take that.

Mr. HOARD. You asked me about the testimony that was given.

Mr. WILLIAMS. Yes.

Mr. LAMB. I think the burden of the testimony was in favor of the healthfulness of it.

Mr. WILLIAMS. All of it, not only the burden.

Mr. HOARD. You asked me my opinion as to the wholesomeness of it and I said I believed it to be unwholesome.

Mr. WILLIAMS. That was before, and then I asked you about the testimony.

Mr. LAMB. One question was asked in the House before, and it will be asked again. Do you think the passage of this bill will destroy the manufacturing interests of oleomargarine?

Mr. HOARD. No.

Mr. WILLIAMS. Then if it does not how will it stop this fraud that you say grows out of the existence of the oleomargarine industry?

Mr. HOARD. It is to stop the fraud. The dairymen of the United States want to compete honestly with any product; that is all we ask. They must expect to do that. They have the right to come to the Congress of the United States and ask to be protected, however, against dishonest competition.

The CHAIRMAN. You have stated that you consider oleomargarine to be unwholesome. That is a statement that ought to have great weight in forming the judgment of this committee, if it is a fact that it is unwholesome. Prof. W. O. Atwater, director of the United States Government agricultural experiment station in Washington, who is now engaged in making these interesting experiments in regard to the nutritive qualities of different foods, and for whom we are appropriating \$15,000 or \$20,000 a year to carry them on, makes this statement:

It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritious value.

What do you say to that?

Mr. HOARD. He said that at one time, but he asked me to send him the basis of my judgment in controverting that statement. I did so. I have never heard from him since.

Mr. WILLIAMS. He has not changed his opinion.

The CHAIRMAN. We have here the opinions of the following leading scientists:

Prof. Charles F. Chandler, professor of chemistry at Columbia College, New York; Prof. George F. Barker, of the University of Pennsylvania; Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey; Prof. S. W. Johnson, director of the agricultural experiment station and ex-professor of agricultural chemistry in Yale College; Prof. S. C. Caldwell, of Cornell University; Prof. C. A. Goessmann, of Amherst Agricultural College; Prof. Charles P. Williams,

professor in the Missouri State University; Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College and president of the Maryland College of Agriculture and now chief of the dairy division of the United States Department of Agriculture, and Prof. Paul Schweitzer, professor of chemistry in the Missouri State University.

The opinion of all these men is that oleomargarine is wholesome. You would have your judgment stand against them, or are we to infer that they are all prejudiced and are among the scientific prostitutes of the age?

Mr. HOARD. No, sir; I did not say so.

The CHAIRMAN. You do not consider that they belong to that class?

Mr. HOARD. I did not say so.

The CHAIRMAN. Do you consider any of them do.

Mr. HOARD. My basis for saying that some chemists—

The CHAIRMAN. Do you consider any of those can be so termed?

Mr. HOARD. I have not said so.

The CHAIRMAN. But do you?

Mr. HOARD. No, sir; but I do know that behind every fraud to-day, and every adulteration, is a chemist.

Mr. WILLIAMS. Preachers and lawyers are behind some of them and various other people, too.

The CHAIRMAN. It was in part upon the opinion of these gentlemen that we based our opinion that oleomargarine is a wholesome food.

Mr. HENRY. Do you not use that statement that oleomargarine is unwholesome in the comparative sense, in the same sense that a physician, in prescribing for an invalid, would say that he required beef, rather than pork or even mutton chops, although all are wholesome? Nevertheless, if the doctor was prescribing for a delicate stomach, he would prescribe beef rather than a pork chop or mutton chop. Is not that your view of the comparative wholesomeness of butter and oleomargarine?

Mr. HOARD. To a large extent. Compared to butter it is not a wholesome product; but I do believe it is made still more unwholesome by the fact that in many instances its manufacture is unwholesome. To illustrate: For instance, when I was governor of Wisconsin we created a food commission. We sent out and got samples of cream of tartar from thirty of the most reputable grocers of the State, and, upon analysis, twenty-four out of thirty contained not a trace of cream of tartar.

The question was, Was that wholesome? A man might eat it and go through and survive; but, as a certain noted physician in Boston said to me, there are to-day thirty cases of Bright's disease where thirty years ago there was but one. The function of the kidneys is to eliminate the poisons of the body. It is enough for the kidneys to do that without having to eliminate other poisons which are added. "In my opinion," he said, "these diseases of the kidneys are brought out by the general wholesale adulteration of foods and drinks, and many diseases that come upon us to-day are due to the greed for gain by which the public are defrauded." That may be a theory. When you ask me what is wholesome, that is always a relative proposition. A man who lives in the woods may be able to eat oleomargarine with comparative immunity, but the man of sedentary occupation and habits and delicate stomach and assimilation and with not much exercise might

find himself injured by it. It is always a comparative and relative question.

The CHAIRMAN. A comparison of stomachs rather than a comparison of articles?

Mr. HOARD. A good deal.

The CHAIRMAN. Do you not think the open door to fraud that is now perpetrated in the sale of oleomargarine for butter arises in the fact that the manufacturer is allowed to sell it in large tubs of 10, 20, and, I believe, up to 60 pounds? Am I right?

A MEMBER. One hundred pounds.

The CHAIRMAN (continuing). And that that is bought at the wholesale price for oleomargarine and then it is sold at the retail price of butter. Now, if we eliminate that as it is eliminated in the minority bill and allow them to sell it only in 2-pound and 1-pound and half-pound packages, do you not think we will get the minimum of fraud? We have laws against murder and against abduction and many other crimes, still those crimes are committed; but do you not think the law as framed by the minority of last year would eliminate fraud to the greatest extent possible?

Mr. HOARD. I do not think so.

The CHAIRMAN. You do not want to prevent the manufacture of oleomargarine when sold as oleomargarine?

Mr. HOARD. I have no objection to that.

The CHAIRMAN. You have changed your position of last year, when you said the Grout bill was repressive taxation.

Mr. HOARD. No; I say so still. It is repressive on fraud. I want to legislate fraud out of the traffic.

The CHAIRMAN. You do not believe the statement of Mr. Adams, then, when he said, "We do not want to beat around the bush. We want to pass this law and drive the oleomargarine dealers out of the business."

Mr. HOARD. Mr. Adams declared he did not make it afterwards.

Mr. WILLIAMS. He did make it; I heard him.

Mr. SCOTT. If the passage of this law should not diminish the sale of oleomargarine, would its enactment still be demanded?

Mr. HOARD. That is a question I could not answer you, because it is too problematical. I could not say what would be demanded if we did not do this or that.

Mr. SCOTT. I thought I might get your opinion whether, if you thought the passage of this law would not restrict the sale of oleomargarine, but would simply make it an honest sale instead of a dishonest sale, you would still be in favor of it.

Mr. HOARD. I am absolutely opposed to the sale of oleomargarine in the guise of another thing.

Mr. SCOTT. But if it could be sold honestly—

Mr. HOARD. I do not care whether it is sold honestly or dishonestly; I am opposed to counterfeiting.

Mr. SCOTT. But under this bill, after paying the tax, it can be sold only as oleomargarine, can it not?

Mr. HOARD. I suppose so. It can be sold to that extent but no more, but I have to do business with the things I have, with the machine I have; I can not approach it from the Federal standpoint except through taxation.

Mr. SCOTT. I understand that. But you seem to fail to catch the

drift of my question. I object just as much as you do to the sale of one product for another product. I was simply asking whether this bill would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold.

Mr. HOARD. In that case, sir, I would come before Congress and demand a still higher tax.

Mr. HAUGEN. I understood you to say that as a representative of the dairy union you do not advocate this bill for the purpose of stamping out one industry for the benefit of another.

Mr. HOARD. We come here for the purpose of asking that fraud be legislated out of existence.

The CHAIRMAN. When Mr. Adams made the statement that he did make, did he represent the agricultural interests of the State of Wisconsin?

Mr. HOARD. He is the dairy and food commissioner of the State.

The CHAIRMAN. Does he represent the State of Wisconsin when he says he wishes the oleomargarine manufacturers stamped out of business by this law? His language is this: "There is no use beating about the bush in this matter; we want to pass this law and drive the oleomargarine manufacturers out of the business." Whom did he speak for?

Mr. HOARD. I do not think it is fair to ask me in regard to that when Mr. Adams arose in the committee and said that was not the phraseology or meaning of his utterance.

The CHAIRMAN. He made the statement.

Mr. WILLIAMS. Undoubtedly he made it.

Mr. HOARD. I do not think it fair for me to interpret it.

The CHAIRMAN. We would like to know whom he represented, that is all. Did he represent the agricultural interests?

Mr. HOARD. He represents, to that extent, the State of Wisconsin. That is, he represents the State of Wisconsin in his office. Whether he represents it in that statement or not I do not know.

Mr. HENRY. I submit that when he retracted it—

The CHAIRMAN. He retracted it under peculiar circumstances.

There was also a man named Knight, secretary of the National Dairy Union, who, in a letter to the Virginia dairymen, dated May 18, 1900, wrote as follows:

Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers who are ruining the dairy interests of this country by manufacturing and selling in defiance of law a spurious article in imitation of pure butter. We have a remedy almost at hand which will eliminate the manufacture of this article from the food product list.

Does the National Dairy Association stand for that?

Mr. HOARD. For the elimination of the fraudulent character of the food product.

The CHAIRMAN. But he does not say "fraudulent character."

Mr. HOARD. That is probably what he meant.

Mr. LAMB. One other question, by reason of what has been read. What is the cost of the manufacture of oleomargarine?

Mr. HOARD. I could not tell.

Mr. LAMB. Is it not about 7 cents?

Mr. HOARD. Last winter one of the companies put forth a prospectus in which they stated the cost was 5.54 cents per pound. Add 2 cents Government tax and it would be 7.54. I can only take their statement.

Mr. LAMB. That is right. Now, another question. Add the tax this bill proposes and that will make the oleomargarine stand at 15.5 cents per pound. Does not that tend to average up the profits of the butterine maker and the butter producer?

Mr. HOARD. I think so. It puts them into fair balance with each other.

The CHAIRMAN. You are perfectly familiar with the minority bill of last year?

Mr. HOARD. Somewhat, but not critically or technically so.

The CHAIRMAN. Briefly, it provides that the oleomargarine shall be put up in packages of 1 and 2 pounds, respectively, and in no larger or smaller package, and upon every print or roll, before being so put up for sale or removal from the factory, there shall be printed by the manufacturer, stamped in letters indented, the word "oleomargarine," and then wrapped in tissue paper, upon which the name of the manufacturer and the word "oleomargarine" shall be printed, and around which the revenue stamp shall be put; and then it shall be put up in crates, such as you see eggs and other articles put up in, upon which the name of the manufacturer shall be printed and the word "oleomargarine," with such other marks and brands as the Commissioner of Internal Revenue shall prescribe, and that the wholesale dealer and the retailer shall sell the oleomargarine from that crate in his store.

Mr. WILLIAMS. If the chairman will permit me right there. Moreover, it makes it a penalty to sell one of them with the stamps broken, regardless of what the object was in breaking the stamp.

The CHAIRMAN. Does not that practically close the door to fraud in its sale?

Mr. HOARD. I do not feel competent to answer you that question, because it is a projection, and any projection I do not feel competent to answer. We believe that the Grout bill was simpler, much simpler, in the fact that it went direct to the manufacturer, providing for a tax of 10 cents a pound, and the fact that the manufacturers themselves fought the bill, and fought it determinedly, and were better pleased with the substitute of the minority than they were with the Grout bill, was pretty strong indication to us that the Grout bill was the best. We felt that they knew on which side their bread was buttered.

Mr. WILLIAMS. But do you mean to say that because the men object to being taxed out of existence that therefore the bill would not stop fraudulent dealing?

Mr. HOARD. I think he has no right in the business when he is carrying it on fraudulently.

Mr. WILLIAMS. But as long as he is carrying on an honest business in an honest way?

Mr. HOARD. He can not carry on an honest business that is fraudulent.

Mr. WILLIAMS. You say the business itself is fraudulent?

Mr. HOARD. I say the fraudulent part of it is fraudulent.

Mr. WILLIAMS. Very well. Then I say that if a bill like the minority bill goes solely at the fraudulent part of it and leaves the balance of the business unaffected, then are you not satisfied with that? You want a bill that will tax everybody engaged in the business whether he is engaged on the fraudulent side or not?

Mr. HOARD. No; I didn't say so.



Mr. WILLIAMS. Does not the Grout bill tax the honest manufacturer?

Mr. HOARD. It taxes the honest manufacturer of the dishonest product. He escapes the taxation almost entirely if he does not make a dishonest and counterfeit article. Then he is taxed and the onus is on himself.

Mr. WILLIAMS. Then the proposition is that the product itself is dishonest?

Mr. HOARD. Yes.

Mr. WILLIAMS. Colored or uncolored is it dishonest? The bill taxes it colored or uncolored.

Mr. HOARD. I said to you that in my judgment the tax on the uncolored should be taken off. That is my private judgment.

Mr. SCOTT. If I want to buy colored oleomargarine ought I not to have a right to do it?

Mr. HOARD. You can buy almost anything if you can pay for it.

Mr. SCOTT. I think that goes to the root of your objection. In saying that they were not making an honest product if they colored it, it seems to me you are mistaken. It seems to me it is honest if they sell it for what it is.

Mr. HOARD. You are talking about an impossibility.

Mr. MOODY. I would like to ask whether this business from start to finish is not a fraud, oleomargarine being manufactured as one thing and sold as another.

Mr. HOARD. Any business that embraces that feature is a fraud. The supreme court of the State of New York decided, with legal as well as with ethical definition, that the law of New York could not invalidate the use of a substitute—the law used the word “substitute”—but that it would be both a legal and an ethical proposition to forbid the use of an imitation. Now, then, when a thing is used as a substitute and not as an imitation, then it stands in a different relation; but the making of oleomargarine as an imitation of butter is dishonest from the start.

Mr. WILLIAMS. Now, just suppose a case as possible—whether it is in your mind possible or not—for the minute. Suppose that a man does manufacture oleomargarine and does color it and sells it, not as butter, but as colored oleomargarine. Is that in your opinion a fraud?

Mr. HOARD. In my opinion it is a fraud to color it as butter.

Mr. WILLIAMS. The mere matter of coloring it constitutes a fraud in your opinion?

Mr. HOARD. It is a reprehensible act to start with.

Mr. DAHLE. I would like to ask whether in your judgment the price of from 35 to 60 cents a pound for butter here in the Washington market is a fair price?

Mr. HOARD. I think it is an unreasonable price.

Mr. DAHLE. Will you kindly have Mr. Scott inform us what parties ask such a price, if any?

Mr. HOARD. I don't know anything about it.

Mr. DAHLE. I would like to be informed—

The CHAIRMAN. There is butter on the market that they charge 75 cents a pound for—fancy butter, which is really out of the realm of the butter of commerce and it ought not to enter into this discussion.

Mr. DAHLE. I went through the markets Saturday and I didn't find any such price. I found that 35 cents was the price of the finest butter.

The CHAIRMAN. You were buying oleomargarine. [Laughter.]

Mr. HAUGEN. I would like to ask this question in connection with the question asked by the chairman. Is it not a fact that at the present time oleomargarine is put up in crates and stamped with the word "oleomargarine," and yet sold as butter? For instance, in the city of Chicago, when you call the attention of a dealer to the fact that "oleomargarine" is stamped on the wrapper, you are answered by the statement that it was done accidentally. Practically speaking, a fraud statute should be interpreted from the standpoint of its practical enforcement.

Mr. HOARD. Practically speaking, it seems to me impossible to stop these men from fraudulently imposing on the public with this oleomargarine. Therefore we pray for the imposition of a tax, and say that in case they make any oleomargarine they shall advise the consumer that it is not butter.

Mr. HAUGEN. The fact I wanted to get at was whether if the minority bill was enacted into law, whether if the word "oleomargarine" was stamped on it, it would necessarily suppress the fraud?

Mr. HOARD. I could not see that it would practically do the work.

The CHAIRMAN. Here is another fact that I think of interest. In Europe I am informed certain countries have enacted legislation as to the coloring of oleomargarine.

Mr. HOARD. Yes, Italy—

The CHAIRMAN. And are not the manufacturers enabled to get around the law by selling you a bottle of coloring matter, together with the tub of oleomargarine? What have you to say about that; would a man have a right to color his own oleomargarine?

Mr. HOARD. I do not know but what he would.

Mr. WRIGHT. Based on your statement that the coloring of oleomargarine is of itself a fraud, would it not be equally fraudulent if taxed, or would taxing it make it a legitimate industry; in other words, would not that legalize the fraud?

Mr. HOARD. No; because taxation is not licensing anything. I do not understand that any man has ever reasoned on that to that extent. People say in regard to the liquor business that once you give a man a license to sell liquor you legitimize the traffic. That is not true, because taxation is to a certain extent repressive, and in the nature of things—the Supreme Court of the United States has decided it—the Government of the United States has the power to carry taxation beyond that of raising revenue, to the extent of repression.

Mr. WRIGHT. That is all I wanted answered.

Mr. SCOTT. Do you represent any individuals or organizations who might be regarded as consumers?

Mr. HOARD. Nothing except we have in our hands the statement of consumers, and a great many consumers have signed petitions.

Mr. SCOTT. I wonder if any such petitions are before this committee?

Mr. HOARD. I do not know. I think they have been forwarded to the various members.

Mr. HENRY. In the last Congress a large number of petitions came from consumers.

(Thereupon, at 1 o'clock p. m., the committee adjourned until to-morrow, Tuesday, January 14, at 10 o'clock a. m.)

The committee met at 10.15 a. m., Hon. J. W. Wadsworth in the chair.

The CHAIRMAN. We will hear this morning Prof. George M. Kober, who is professor of hygiene in Georgetown University.

#### STATEMENT OF PROF. GEORGE M. KOBER.

Mr. KOBER. Mr. Chairman and gentlemen, I have been asked to state my qualifications and, first of all, I might say, that I have been connected with the Army from 1874 to 1885, and made matters of hygiene a special study. I am the author of a number of papers relating to sanitary subjects. In 1890 I was appointed professor of hygiene in the Medical College of Georgetown University and I have continued my studies. In 1895 I was requested by the Commissioners of the District of Columbia to make an inquiry into the causes and prevention of typhoid fever in the city of Washington. Apart from extensive reading and observation, I have, of course, taken special pains to qualify myself in bacteriological studies, and was engaged for six months in one of the Government laboratories of this city pursuing Government investigation.

I think perhaps that is all that is necessary to say, except I might add that last year I was elected to deliver the oration on hygiene and sanitary science before the American Medical Association, which is a national body and which held its meeting in St. Paul in May, 1901, in which I reviewed the progress and tendency of hygiene in the nineteenth century.

Now, it seems to me, in order to appreciate the importance of this subject that is before you, especially the importance of fats, whatever their character may be, whether butter or oleomargarine or any of the animal or vegetable fats in the human economy, it may be well to present a few physiological facts. I have reduced my statement into writing, and with your permission I will read from the statement.

The human organism is largely made up of water, protein compounds (especially the albuminoids), fats, and mineral salts. All of these constituents are sooner or later consumed, involving certain expenditures which must be covered if health and life are to be preserved. The process by which the repair of waste is supplied and preservation and growth are rendered possible is called alimentation or nutrition, and the process involved in the waste and repair in tissues is called metabolism. The simple chemical compounds which are appropriated by the system are called alimentary principles or nutrients, and the simple or artificial combinations of several nutrients are called nutriment or food.

The cause for the constant consumption of the proximate principles of the body must be looked for in the functional activity of the cells, which take up, utilize, disintegrate, and eliminate matter. This gives rise to the generation of heat and the evolution of force or mechanical power, both of which are the result of latent energy contained in the substances introduced into the system as food.

This latent energy is derived primarily from the plants, where it was stored up under the influence of sunlight, the source of energy in the form of protein, fats, and carbohydrates, and modern physiology tells us how, with the aid of inspired oxygen, it is transmuted

in the system into the heat that warms our bodies and into strength for our work and thought.

The body has been likened, by Atwater, to a machine. Like other machines it requires material to build up its several parts, to repair them as they are worn out, and to serve as fuel. The steam engine gets its power from fuel; the body does the same. Animal heat and muscular energy have their source in the process of oxidation of carbon and hydrogen, which primarily takes place in the cells. The chief objects of food, therefore, are, first, to form the material of the body and repair its wastes; second, to yield heat to keep the body warm and muscular and other power for the work it has to do.

If food is taken in excess of the requirements of the system it may be stored up chiefly in the form of fat for future use. According to Munson, "the best nutritive substances are those which perform their function in the most thorough and complete manner; that is, with as little waste as possible, and with the best physiological results. They should be digestible and palatable, and when brought together in the diet should furnish in proper amounts the different substances required by the system.

Food stuffs are classified according to their proximate composition as follows:

First. Organic—nitrogenous, as proteids or albuminoids; nonnitrogenous—*a*, fats; *b*, carbohydrates; *c*, vegetable acids.

Second. Inorganic—mineral salts and water.

Third. Food accessories, as tea, coffee, and condiments.

The first two classes of food stuff are essential to life; the third class is important as favoring palatability and digestibility.

The true nutrients are protein fats and carbohydrates, and these within the organism serve the following general purposes:

Protein forms tissue, as muscle, tendon, and fat, and serves as fuel.	} All yield energy in form of heat and muscular strength.
Fats form fatty tissue (not muscle) and serve as fuel	
Carbohydrates are transformed into fat and serve as fuel.	

The food of adults must be so constituted as to completely cover the expenditures of the body as shown by the amount of nitrogen, carbon, water, and salts eliminated. We know that we need enough protein to make up for the protein of muscles, tendons, and other nitrogenous tissue consumed in the body, and second, enough energy to supply the demand for heat and muscular work; and the question arises, How much protein, fats, and carbohydrates does the average man, under different conditions of rest and muscular work, require in a day's food? Scientists have made experiments by supplying individuals with food of known amount and composition and determining the quantity and composition of the products given off from the body. In these experiments, conducted in the so-called respiration apparatus, the food, drink, and inhaled air, which make up the income, and the expired air and excretions, which make up the outgo, of the body are carefully measured, weighed, and analyzed. The balance of income and outgo is thus made, and the gain or loss of material of the body with different kinds and amounts of food and under different conditions of muscular exercise and rest is determined.

From the results of these experiments a number of noted investigators have set up the following standards for daily dietaries:

	Nutrients.		
	Protein.	Fats.	Carbo- hydrates
	Grams.	Grams.	Grams.
Man without muscular work (Voit).....	118	45	450
Man without muscular work (Atwater).....	112	45	450
Man without muscular work (Uffelmann).....	110	45	450
Man with moderate muscular work (Uffelmann).....	110	55	500
Man with moderate muscular work (Voit).....	118	56	500
Man with moderate muscular work (Atwater).....	125	56	500
Man with hard muscular work (Atwater).....	150	100	500
Man with hard muscular work (Uffelmann).....	135	100	500
Man with hard muscular work (Voit).....	145	100	500

The requirements of an adult female are about one-fifth less.

In other words, according to Professor Atwater, the ordinary mechanic or laborer at his usual work requires 0.30 pound of protein, 0.21 of fats, and 0.88 of carbohydrates a day.

As our special interest centers in the question of fat consumption as food, I will say that the needs of the average adult are, therefore, 74.65 pounds of fats per annum. But as the principal function of fat is to supply heat and energy, the amount consumed in cold climates or during hard muscular work is very much increased. Take it all in all, however, 70 pounds a year is a fair average per capita. Now, if the population of the United States were to draw its fat supply from dairy butter alone, it would require 5,320,000,000 pounds per annum. How can this be done when the actual production of butter in the United States amounts to only about 1,500,000,000 pounds per annum?

Fortunately for mankind in general and the wage-earners in particular, we are not entirely dependent upon butter for our fat supply. So, for example, the United States soldier enjoys a ration the food value of which is in considerable excess of the nutritive material found by Atwater to be actually eaten in the training diets of the Yale and Harvard University crews during the hard labor of the racing season of 1898. Our soldier receives his fat not in butter, not even in a palatable substitute like oleomargarine, but in the form of bacon, pork, fat beef or mutton, and in smaller quantities from bread and the vegetable kingdom.

Indeed, it should be remembered that these articles and the vegetable fats held a place in the dietaries of all peoples long before butter was known as an article of food. It is said that the Greeks and Romans used butter only as an ointment in their baths. In southern Europe at the present time it is still sparingly used, and in Italy, Spain, Portugal, and Southern France it was sold by apothecaries as a medicinal agent for external applications not over thirty years ago.

Far be it from me, however, to disparage the use and nutritive value of this most excellent article of diet, and I do not hesitate to declare that it is by all means the most palatable form in which the amount of fat required in the human economy can be introduced, and yet there is ample evidence to indicate that there are many persons who could not possibly take their fat allowance in butter alone; first, because of the cost of the article, and second, because in some individuals it is likely to give rise to butyric fermentation in the stomach and consequently

dyspepsia. This is especially the case if the butter is not absolutely fresh or contains some remnants of buttermilk.

#### COMPOSITION OF BUTTER.

Butter is formed by churning the cream of milk. In consequence of violent agitation, the fat globules coalesce, entangling in their meshes some casein and serum, together with small amounts of sugar and salts. The butter so formed is worked and pressed to squeeze out some of the moisture. The amount of butter in cow's milk is about 3.75 or 4 per cent (i. e. 4 pounds to the 100 pounds of milk), though the breed and feed of the animal and climatic conditions greatly influence the relative quantity of the several ingredients of milk. According to König, a German authority, the average grade of butter contains:

Fat.	Casein.	Sugar.	Salt.	Water.	
<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	
83.27	0.71	0.58	0.95	14.49	
84	1	.5	2.5	12	(Harrington, American.)
88.5	1	1	1.5	13	(Parkes, English.)

The salts include those natural to milk, but more is added to preserve its keeping qualities in the proportion of about 25 grams to 1,000 grams. The use of boric acid and borax as preservatives, according to Harrington, is gradually extending. An excess of water and casein (buttermilk) and exposure to sunlight favor the production of butyric acid and consequent rancidity.

The fat of butter consists of a mixture of the glycerides of two groups of the fatty acids. Those of the insoluble, nonvolatile acids, oleic, stearic, and palmitic, constitute about 92.25 per cent of the whole, and those of the soluble, volatile acids, butyric, caproic, caprylic, and capric, give to butter fat its peculiar and distinctive characters.

*Wholesomeness of butter.*—The digestibility of fresh butter when taken in moderate quantities is excellent; nearly 98 per cent is digested and utilized.

*Butter adulteration.*—The natural color of butter varies with the season, the so-called June butter, made when the cows from whose milk it is produced are feeding on grass, being bright yellow, while that made when they are stalled and fed on hay and other feed being almost white. The popular demand in this country being for a yellow article the year round, it is customary to secure this color out of season by the addition of annatto and other harmless vegetable coloring agents, the use of which has almost universally the sanction of law.

Apart from this sophistication in color, the more common forms of adulteration in butter consist in the addition of salt, starch, flour, lard, and suet, and the retention of as much water as possible. In order that more water may be held, and thus a greater profit realized, some makers, according to Dr. Harrington, professor of hygiene of the Harvard University Medical School, have employed gelatin as an adulterant.

One gram of this substance will take up about 10 of water, and when mixed with butter in the right proportion will hold water in the above ratio without affecting the consistence injuriously. Others employ glucose both for this purpose and as a preservative.

To this class belong also the so-called "expanders or increasers." Professor H. W. Wiley, chief chemist of the United States Department of Agriculture, in Farmers' Bulletin No. 12, 1893, refers to a number of nostrums for increasing the yield of butter, among them the "gilt-edge butter compound," manufactured in Wichita, Kans., and found that with 1 pound of butter, 1 pint of milk, and about 1 gram of the butter compound, 2 pounds of material could easily be made which resembled very closely a first-class article of butter, except that it was considerably softer and contained water, 49.55 per cent; butter fat, 45.45 per cent; ash, 1.34 per cent; curd and undetermined matter, 3.66 per cent. Part of this nostrum, upon analysis, proved to be pepsin. He also refers to the article advertised as "black pepsin," used for the same purpose, and says:

In spite of the warnings given in the reports of the Department, and by the dairy commissioners and agricultural experimental stations of many of the States, a brisk and apparently increasing trade has been kept up in these substances, greatly to the detriment of those innocently purchasing the nostrums and to the consumer of the product, a product not butter, but a mixture of butter fat with water, casein, milk, sugar, and other constituents of milk.

As Professor Wiley is an officer of the United States Government, his testimony on this subject seems important.

In the London *Lancet* for October 5, 1901, is described an ingenious butter adulteration. The case was tried in one of the English police courts, and the fraud consisted in incorporating about 10 quarts of milk to every 100 pounds of softened butter, and blending the two together in huge churns, adding a little borax in compensation as a preservative.

In Germany, on account of the fraudulent practices in the adulteration of butter with oleomargarine, the Government passed in 1897 a statute requiring the latter to contain 10 per cent of oil of sesame, so that any subsequent admixture with butter may be readily detected by Baudouin's reaction. This is a red coloration brought about when oil of sesame, furfurol, and hydrochloric acid are brought together, and it is sufficiently delicate to show the adulteration of butter with 2.5 per cent of oleomargarine containing the oil in the proportion stated.

"*Process or renovated butter.*"—Of late years high-grade butter has found a formidable competitor in what is known as "renovated or process butter." The butter from which it is made has become tainted or rancid, and differs widely in color, texture, age and flavor, and is, of course, totally unfit for sale. It is sold by dealers and dairies at from 10 to 14 cents a pound, shipped to some factory, where it is melted at 110° to 130° F., purified of its rancidity by washing it with water, and so obtaining a neutral oil and churning the resulting fat, after giving it the proper butter color, with milk, cream, or even skimmed milk to give it the butter flavor.

Mr. C. Y. Knight, secretary of the National Dairy Union, says that the different makers of process butter have different systems, and that no chemicals are used. Mr. Sterne, a commission merchant of Chicago, on the other hand, states, as the result of observation, that sal soda and salicylic acid are used in the process. Mr. Knight has had a number of samples of this process butter analyzed, and, so far as the component parts are concerned, it has been called pure butter, but it can be detected under the microscope from the fact that the fats are emulsified.

Sufficient time has not elapsed to determine whether the use of process butter is detrimental to health; indeed it may not be, but it is a gross fraud, unless sold under the declaration that it is renovated butter and at its true value.

*Butter as a carrier of disease.*—Professor Harrington, of Harvard, says:

Since milk is known to be a carrier of the germs of certain diseases under some conditions, the possibility that butter may act in the same way suggests itself, and the more strongly since in ordinary creaming of milk all but small proportion of the bacteria rise with the cream.

It has been shown by Hugo Laser (*Zeitschrift für Hygiene*, 1891, 10, p. 513-520) that when the bacilli of cholera were implanted in butter, they remained alive and virulent for thirty-two days and those of typhoid three to four weeks. Gasperini (*Giornale della Reale Soc. Ital. Igiene* in January, 1890) found viable germs of tuberculosis in butter one hundred and twenty-eight days old, and V. A. Moore, chief of the division of animal pathology, in the Yearbook of the United States Department of Agriculture for 1895, page 431, describes an experiment in his laboratory which shows that tubercle bacilli will remain virulent for more than ninety days, the guinea pig inoculated with a piece of this butter the size of a small pea died of tuberculosis ninety-seven days after the infection.

Brusaferro, in 1891, produced tuberculosis in a rabbit through the injection of butter made from the milk of a cow with a tuberculous udder. Roth, in 1894, got similar results, and found, moreover, that two out of twenty market samples of butter used by him yielded positive results. Schuchardt got negative results from forty-two samples, while Obermüller (*Hyg. Rundschau*, 1899, No. 2) found the bacillus in every sample of Berlin butter used in his first experiments, and in his second series in 1899, where he used only the watery fluid of the butter obtained with the centrifuge, he found in four samples of ten from the same source as his first lot evidence of the presence of genuine tubercle bacilli. Petri, one of the experts on food for the German Imp. health office in 1898, found the genuine bacillus of tuberculosis in 32.4 per cent, a bacillus resembling the tubercle bacillus in 32.4 per cent, while only 30.4 per cent of the samples were free from either organism. Gröning, another expert, found the tubercle bacillus in eight of seventeen samples. Korn found them in 32.5 per cent of the samples purchased in Freiburg, and Dr. C. Coggi in only two out of one hundred samples purchased at Milan. Dr. Lydia Rabinowwitsch (*Zeitschrift für Hyg. und Infectiönskr.*, XXVI, p. 90), in eighty samples of butter collected at Berlin and Philadelphia, found a bacillus resembling the tubercle bacillus in 28.7 per cent of the samples.

We have no evidence that tuberculosis has ever been spread to man through the agency of butter. V. A. Moore states that Steyerthal and Konel have pointed out several cases of these diseases which were traced to the consumption of butter. Fröhner has shown that a disease of cattle in Europe known as foot-and-mouth disease, and which is communicable to man, has been transmitted through butter made from the milk of cows affected with that malady. I have not been able to verify these statements, but we have evidence that the germs of tuberculosis may remain viable in butter for one hundred and twenty-eight days, and, as Dr. Moore justly remarks, although the number of reported cases of infectious diseases in which the con-



tagion was introduced through butter is not large, it is enough to show the possibility of contracting disease by the consumption of this common article of food. He then devotes a number of pages to the similarity of animal and human diseases, how milk may be contaminated, the methods for destroying or removing bacteria from milk, and how to eliminate the dangers.

We have much reason for assuming that tuberculosis has been spread through the milk supply. On pages 315-328, Report of the Health Officer of the District of Columbia, 1895, Dr. S. C. Busey and myself have adduced considerable clinical evidence on this subject, with the details of which I need not now burden you. I have here the record of 195 epidemics of typhoid fever, 99 epidemics of scarlet fever, and 36 outbreaks of diphtheria, amounting in all to 330 outbreaks of infectious diseases spread through the milk supply, and it is a significant fact that, of these epidemics analyzed by me, 243 have been recorded by English authors, 52 by American, 14 by German, 11 by Scandinavian, and 5 each by French and Australian writers. This is probably due to the fact that the English and Americans usually consume raw milk, while on the Continent the milk is rarely used without being first boiled.

Numerous instances have been observed in which outbreaks of typhoid fever, scarlet fever, and diphtheria, by their sudden and explosive character, affecting families living in streets and localities supplied by the same milkman, naturally pointed to the milk supply as a common cause, but it was not until 1857 when Dr. Michael Taylor, an English physician, pointed out definitely that cows' milk might serve as the medium of spreading typhoid fever from a dairy where the disease prevailed. In 1867 he also showed that scarlet fever might be distributed in the same way. In 1877 Mr. Jacob traced a diphtheria epidemic at Sutton to the milk supply, and in 1872 Macnamara traced an outbreak of cholera at Calcutta to an infected dairy. These facts could not fail to sharpen the powers of observation in others, and in consequence similar outbreaks were more frequently reported, so that Mr. E. Hart, the editor of the British Medical Journal, was enabled to present to the International Medical Congress, held in London in 1881, the history of 50 outbreaks of typhoid fever, 15 of scarlet fever, and 7 of diphtheria, all traceable to the milk supply. In a similar communication made before the International Medical Congress at Paris, in 1900, I presented my conclusions based upon the tabulated histories of the 330 outbreaks already referred to.

It has been demonstrated by numerous bacteriologists that disease germs may not only survive, but in many instances actually proliferate, in the milk; and it is not a difficult matter to point out the many ways by which these germs gain access, especially when some of the employees are also engaged in nursing the sick, or are suffering themselves from some mild infection while continuing their duties, or are convalescent from the disease.

It is quite conceivable how animals wading in filth and sewage-polluted water may infect the udder with the germs of typhoid fever and through it the milk. We can also appreciate how infected water may convey the germs by the washing of the utensils or by deliberate adulterations. Infection may also take place through the agency of scrubbing brushes, dishcloths, exposure to infected air, or flies.

Of the 195 epidemics of typhoid fever tabulated by me, there is

evidence in 148 of the disease having prevailed at the farm or dairy. In 67 instances the infection probably reached the milk by percolation of the germs into the well water with which the utensils were washed; in 16 of these the intentional dilution with water is a matter of evidence. In 3 instances the bacillus coli communis and the typhoid germs were demonstrated in the suspected water. In 7 instances infection is attributed to the cows wading in sewage-polluted water and pastures. In 24 instances the dairy employees also acted as nurses. In 10 instances the patients, while suffering from a mild attack or during the onset of the disease, continued their work, and those who are familiar with the personal habits of the average dairy hands will have no difficulty in surmising the manner of direct digital infection. In 1 instance the milk tins were washed with the same dishcloth used among the fever patients. In 2 instances dairy employees were connected with the night-soil service, and in another instance the milk had been kept in a closet in the sick room.

Of the 99 epidemics of scarlet fever, the disease prevailed in 68 instances either at the dairy or milk farm. In 6 instances persons connected with the dairy either lodged in or had visited infected houses. In 2 instances the infection was conveyed by means of infected bottles or milk cans left in scarlet-fever houses. In 17 instances the infection was conveyed by persons connected with the milk business while suffering or recovering from the disease and in at least 10 instances by persons who acted as nurses while handling the milk. In 3 instances the milk had been stored in or close by the sick room. In 1 instance the cans had been wiped with an infected cloth. In 19 instances the infection was attributed to disease of the milch cows, such as puerperal fever and inflammation of the udder and teats, but these latter outbreaks were probably not genuine scarlet fever, but a so-called streptococcus or staphylococcus infection, the symptoms of which closely resemble those of scarlet fever.

Of the thirty-six outbreaks of diphtheria tabulated there is evidence that the disease prevailed at the dairy or farm in thirteen instances. In three instances the employees continued to handle the milk while suffering themselves from the disease. In twelve instances the disease is attributed directly to the cows having inflammatory conditions of the teats and udders. These twelve instances, however, may be regarded as typical examples of streptococcus and staphylococcus infection, giving rise to a form of follicular tonsillitis or pseudodiphtheria, often difficult to distinguish clinically from true diphtheria or scarlet fever.

A review of the evidence in milk contamination, both in this country and Europe, shows that the laws which have been enacted to protect the public deal largely with the prevention of milk sophistication, and even in this respect have fallen short of their aim; indeed, it is doubtful whether legislation in matters of this kind is as effective as public education.

The importance of a pure milk supply was recognized as early as 1878 in connection with some of the milk-cure establishments in Germany. The system then originated has been improved by time and experience and lately introduced into several of our larger cities. Such a sanitary dairy was inaugurated in Washington in 1897. The farm and herd, the employees, and general manipulation of the milk are under the supervision of a committee appointed by the medical

society and subject to unannounced inspection. As a result of strict cleanliness and attention to details the average number of bacteria per cubic centimeter during the year 1899 was 6,485 in the raw milk against 52,000 per c.c. as found in the market milk. Another sanitary dairy has recently been established under the auspices of a United States Senator, and this dairy sells wholesome milk at the same price as ordinary market milk. But it must be remembered that these are only two dairies, whereas at the close of the fiscal year of 1899 there were in force 152 permits for the maintenance of dairy farms in the District, 390 for the maintenance of dairies, and 600 for the importation of milk; hence there is ample room for the establishment of sanitary dairies, which appear to offer by trade competition the best solution of an important problem.

Those who are familiar with the surroundings of our milk farms and the habits of the average dairy employees need no argument for the necessity of sanitary reforms and additional legislation upon the subject. To indicate the value of milk inspection to the health of the community, I may say that in 1893 there were not less than 451 deaths from diarrheal diseases of children under 5 years in this city, while in 1898, when the inspections extended over only about one-third of the source of our milk supply, the number of deaths from the same cause was but 231, showing a decrease of about 50 per cent.

The importance and value of this work, according to Dr. Woodward, was also demonstrated two years ago by the discovery of an outbreak of scarlet fever due to the presence of an undiagnosed case of this disease on one of the farms which supplied milk throughout the city. Before this outbreak, however, was checked the number of cases traced to this milk supply amounted to 65. The ability of the health department to check the outbreak was due entirely to the law regulating the sale of milk, enacted in 1895 upon the recommendation of the Medical Society of the District of Columbia.

In the foregoing we have said all that can be urged in favor of and against the ordinary market butter. We have pointed out its nutritive value, its digestibility, the different methods of sophistication, and the fact that, inasmuch as milk has been demonstrated to be frequently the carrier of disease germs, there is reasonable ground for assuming that butter, the product of milk, may also be the vehicle of disease germs, and that the germs of tuberculosis have been actually demonstrated in a large percentage of samples obtained in the open market and have been found in butter one hundred and twenty-eight days old. Notwithstanding these general facts, pointing clearly to the necessity that dairies, creameries, and their products should be subjected to the police powers, no effort has been made except by private enterprise to remedy this state of affairs.

We will now in a like impartial manner present the facts concerning

#### OLEOMARGARINE AND BUTTERINE.

Under the United States statutes all butter or substitutes therefor or made to resemble it, containing fats other than cream, shall be known as oleomargarine. During the discussion of the act, May 24, 1886, Mr. A. J. Hopkins, from Illinois, said:

During the Franco-Prussian war an inventive genius by the name of M. Mège discovered that the fats of such animals as cattle, horses, and dogs could be made into a substitute for butter. The war measure of the inventive Frenchman was seized and improved upon by the ever-inventive Yankee. Our Patent Office has been besieged with applications for patents.

Mr. William L. Scott, of Pennsylvania, said:

The genius which succeeded by the application of chemical fluids and compounds in transforming a mass of loathsome and unwholesome ingredients into an article of food at a trifling cost does not hesitate to impose the product upon the public and receive in the way of excessive profit the difference between the cost of the imitation or counterfeit article and that of pure butter.

The facts of the case are that in 1868 Mege Mouries, at the instigation of the French Government, undertook an experiment for the purpose of securing a substitute for butter at less cost and which might be used by the navy and the wage-earners of France. This original process, according to Dr. E. A. de Schweinitz, of the Biochemic Laboratory, Bureau of Animal Industry, United States Department of Agriculture (Yearbook for 1895), was patented in the United States in 1873. He says:

Without giving Mege Mouriers's patent in detail, the principal points were the preparation of margarine oil by the artificial digestion of the fat taken from animals and the separation of the stearin, which melts at a high temperature by pressure. This so-called liquid margarine was then churned into milk, finely divided cow's udder and carbonate of sodium being used to facilitate the emulsion. The result was a product which, when salted and colored, resembled butter in appearance, taste, and general properties. Many modifications of this process were at once suggested, the object being to utilize as much as possible the surplus animal fat. \* \* \* The process as at present used, however, is comparatively simple. The oleo oil and "neutral" lard are mixed together, either alone or with the addition of cotton-seed oil or milk and butter, in steam-jacketed vessels provided with paddles, the resulting product being called oleomargarine or butterine, according to the quantity of butter used. The manufacture is a simple one and the questions of importance are the character of the fats used and the cleanliness in the preparation of the oleomargarine.

\* \* \* In the large packing houses where the manufacture of the oleomargarine is carefully conducted, only the best selected fats are used. As a matter of fact, only clean, fresh fat can be utilized in preparing a really good product. \* \* \* The lard used for oleomargarine is usually good leaf lard. The cotton-seed oil used in the manufacture of oleomargarine is probably the most healthful of all its constituents, as generally a good quality is selected. The proportion in which the oleo oil, lard, and cotton-seed oil are mixed vary with the season of the year and the character of the product desired. Some manufacturers do not use cotton-seed oil. For the manufacture of butterine, butter—usually a very good grade—is churned in with the oleo and lard to secure the flavor, while the desired color is obtained by the addition of annatto and tumeric. The oleomargarine proper is made without butter, and is colored to suit the requirements of the trade.

It is fair to state that Dr. De Schweinitz believes that in the smaller factories the oleo oil is rendered from the scraps of the abattoirs, butcher shops, and sometimes from hotel waste.

According to Mr. Miller, manager of the butterine department of the Armour Packing Company, Kansas City, their product consists of oleo oil, neutral lard, butter, cream, milk, and salt; highly refined cotton-seed oil is sometimes used in limited quantities in the cheapest grades.

Oleo oil is made from caul fat, the richest and choicest fat of the beef. This fat amounts to about 40 pounds to the animal. It is taken out before the animal is skinned, thoroughly washed, and thrown into a vat of ice water to stand until the following day; then it is cut up fine and cooked. The fat is cooked and placed in linen cloths and the oil is extracted in a hydraulic press. The residue in the cloths after pressing it is commercially known as stearin. The tallow element is therefore effectually removed. Neutral lard is obtained from the leaf lard of the pig. The leaf, amounting to about 5 or 6 pounds to the pig, is taken out as soon as the animal is killed, thoroughly washed, and put into a freezer for twenty-four hours. It is then cut into

shreds and cooked, and after straining presents a snowy white color. Both pigs and cattle are examined by Government inspectors before and after killing, so that diseased animals are excluded.

Oleo and neutral lard, therefore, are the basis of the so-called oleomargarine or butterine. These are churned with cream or milk, salted and colored with annato or butter color, run through cold water, worked in a butter worker, and placed in suitable packages and labeled, according to United States laws, "Oleomargarine."

According to a report from the Commissioner of Internal Revenue, May 14, 1900, the following are the percentage of ingredients used in the production of oleomargarine in the United States for the fiscal year ending June 30, 1899:

	Per cent.		Per cent.
Neutral lard.....	34.37	Stearin.....	0.07
Oleo oil.....	26.82	Glucose.....	.03
Cotton-seed oil.....	4.77	Milk.....	15.55
Sesame.....	.53	Salt.....	7.42
Coloring matter.....	.16	Butter oil.....	1.76
Sugar.....	.12	Butter.....	1.72
Glycerin.....	.01	Cream.....	3.86

Those who are familiar with the manufacture of oleo oil, neutral lard, and the process of making oleomargarine, and I may say here, in passing, that the establishments visited by me appear to court a most rigid inspection, can not fail to have been impressed with the fact that nothing but the most wholesome and pure fats are used, and that the most scrupulous precautions as regards cleanliness are observed in the manipulations. This extends not only to the material, the utensils, and the work rooms, but also to the person and clothing of the employees, and I can cheerfully corroborate the testimony of Dr. Ames, of the United States Navy, when he declared before the Senate Committee (p. 348-350)—

That the manufacture of butterine in properly constructed factories is much cleaner than the manufacture of butter, and that he has found the factories of Kansas City nearly perfect in that respect.

He says—

It should be more generally used and not looked upon as an inferior article and makeshift for butter, when it is really superior.

*Chemical composition of butter and oleomargarine.*

	Fat.	Casein.	Sugar.	Salt.	Water.
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
Butter.....	81.36	1.96	1	5.41	11.27
Oleomargarine.....	84.76	.74	.....	5.49	9.01

The great distinction between butter fat and margarine fat lies in the fact that butter fat contains nearly 8 per cent of the volatile fats, while the margarine has about one-half per cent. In the analysis of these substances this difference is made use of.

*Wholesomeness and digestibility of oleomargarine.*—Uffelmann, professor of hygiene, as early as 1890, reported that butterine is nearly as digestible as butter, fully 96 per cent being utilized, and after quoting the experiments on this point of Sell, a food expert of the German

health office, declared that no objections should be urged against its use as long as it is properly prepared from wholesome fats and sold under its real name.

Prof. H. W. Wiley, chief chemist of the United States Department of Agriculture, testified before the Senate Committee on Manufactures on adulteration of food products (pp. 14-16) that, from a nutritive point of view, all the fats and oils used as food have nearly the same value as heat producers. Butter fat has a heat value of a little more than 9,000 calories per gram, while the beef fat of oleomargarine has a slightly heat value, but the butter fat is a little more easy of digestion, so that there is practically no difference in the value of the two fats in the human economy. Cotton-seed oil has practically the same heat value as oleomargarine, and is probably a little easier of digestion. Dr. Wiley considers mixtures of animal fats and vegetable oils to be perfectly wholesome, but objects to the payment of fancy prices by persons in straitened circumstances, who suppose they are getting butter when they are not.

*Comparative digestibility of butter and oleomargarine.*—The most valuable experiments as to the relative digestibility of butter and oleomargarine were made by Adolph Mayer in 1883 (Landwirth, Versuchs-Anstalt, pp. 215-232), N. Kienzel in 1898 (Oest. Chem. Zeitung, 1, pp. 198-202, and 2, p. 145), and H. Lühring (Zeitschrift für Untersuchung. der Nahr- und Genussmittel, June, 1899, p. 484), with the following results:

	A. Mayer.	N. Kienzel.	H. Lühring.	Average of all experiments.
Digestibility of:	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Butter .....	98.40-97.10	96.65	95.69	96.96
Oleomargarine.....	96.40-96.80	95.64-95.72	96.68-96.70- 96.93	96.27

From these feeding experiments it would appear that, while 97 per cent of the natural butter is digested, the digestibility of the artificial product is only about 0.7 per cent less; in other words, the two are practically alike in point of digestibility.

Professor Jolles, in a report to the Imperial Academy of Sciences, in Vienna, March, 1894, arrived at a similar conclusion. Hultgren and Lundergren, the Swedish physiologists, and Wibbens and Huizenga, from the Physiological Institute of Berlin, offer similar testimony. The last-named authors conclude their article in Archiv für die gesammte Physiologie LXXXIII, February, 1901, page 609, by saying:

Everybody has to cut his coat according to the cloth, and it is therefore a great blessing for all mankind that those who have to deny themselves the regular use of natural butter will find in artificial butter a wholesome and cheap substitute.

As a teacher of hygiene, I have urged upon my students for years to bring the merits and nutritive value of this food stuff to the attention of the public, and in the interest of the wage-earners of this country to correct, as far as possible, the prejudice which has been created against the use of this product, provided always it is sold under its true name and at its real value. In this opinion I am glad to be supported by the highest scientific authorities in this country and

abroad. Professor Schweitzer, of the Missouri State University, in his testimony before the Senate committee, states—

That careful physiological experiments reveal no difference whatever in palatability and digestibility between butter and the brand of butterine which he has examined.

Professor Barker, of the University of Pennsylvania, considers butterine quite as valuable a nutritive agent as butter. Professor Johnson, of Yale University, says that for all the ordinary and culinary purposes it is the full equivalent of good butter made from cream, and regards the manufacture of oleomargarine as a legitimate and beneficent industry. Prof. J. S. W. Arnold, of the medical department, University of New York, characterizes it as "A blessing for the public and in every way a perfectly pure, wholesome, and palatable article of food." Henry Morton Stevens, Institute of Technology, New Jersey; S. C. Caldwell, of the chemical laboratory, Cornell University; Henry A. Mott, of New York; W. O. Atwater, Wesleyan University, Connecticut, all offered similar testimony.

*Oleomargarine as a carrier of disease.*—I have carefully searched the annals of medical literature for opinions opposed to the above formidable testimony and find that Morgenroth (Hygien. Rundschau, 1899, No. 21) has subjected oleomargarine to an investigation for the presence of tubercle bacilli, since milk is used in its manufacture, and found these organisms in 9 out of 20 samples. Dr. de Schweinitz, in the paper already quoted, expresses the belief that the germs of tuberculosis can be transmitted in oleomargarine, and bases this conclusion upon a number of inoculation experiments upon guinea pigs with different samples of oleomargarine, and refers to five infections. He does not give the total number of experiments, but says:

A number of other guinea pigs have been inoculated with different samples of oleomargarine, but at this writing (after eight months) have not contracted disease from the oleomargarine inoculation. Two of the samples which caused disease in the animals were made at a factory where the material used may have been questionable in character.

In regard to the digestibility of oleomargarine, he refers to some cases where dissatisfaction could be traced to the use of oleomargarine, one of the cases being an employee of his laboratory, who undertook to substitute a good brand of oleomargarine for butter at his meals. After a few days he claimed that this had caused indigestion and he would not use it any longer. The other cases referred to the inmates of a blind asylum to whom this product was furnished without their knowledge, and who ate less and less every day, and finally refused to use it altogether, saying that it was undesirable.

My personal experience and that of the inmates of one of the largest Government institutions in the District of Columbia, having over 2,000 beds and a large corps of attendants, and who are using butterine, is not in accord with the evidence just presented.

*Official control of the manufacture of oleomargarine.*—Dr. de Schweinitz adds:

The statement of most authorities has been to the effect that oleomargarine is good and digestible and healthful, provided it is made from pure material and the process is properly conducted, and believes that this should be secured by control and inspection at the abattoirs and factories of both the finished product and the constituents which enter into its manufacture.

It is my opinion that Government inspection already extends to pigs and cattle before and after killing, and if the officers perform their

duty, and all materials, including the milk, are pasteurized, as I believe they now are in the manufacture of butterine in this country, the possibility of transmitting infectious diseases in this food product is infinitely less than with genuine butter.

As a matter of fact, it is the opinion of many that we have been altogether too lax in pure-food legislation, and in the interest of public health not only this product, but also the dairy and all other food products, should be under the police powers.

*Misrepresentations concerning butter substitutes.*—Charles Harrington, assistant professor of hygiene in the medical school of Harvard University, in his *Manual of Practical Hygiene*, 1901, page 112, says:

Oleomargarine has been misrepresented to the public to a greater extent, probably, than any other article of food. From the time of its first appearance in the market as a competitor of butter there has been a constant attempt to create and foster a prejudice against it as an unwholesome article made from unclean refuse of various kinds, a vehicle for disease germs, and a disseminator of tapeworms and other unwholesome parasites. It has been said to be made from soap grease, from the carcasses of animals dead of disease, from grease extracted from sewer sludge, and from a variety of other articles equally unadapted to its manufacture.

"The most absurd statement which the author has seen appeared in the annual report of the board of health of a community large enough and rich enough to be able to afford better service; this was, that a large part of the annual output was made from the grease of dogs shot while suffering from rabies by the police in the streets of large cities.

The publication of a great mass of untruth can not fail to have its desired effect, not only on the minds of the ignorant, but even of some of those of over average intelligence. So it is that a prejudice was created against this valuable food product, but it is gradually becoming less and less pronounced.

"*The truth concerning oleomargarine* is that it is made only from the cleanest materials in the cleanest possible manner, that it is quite as wholesome as butter, and that when sold for what it is and at its proper price it brings into the dietary of those who can not afford the better grades of butter an important fat food much superior in flavor and keeping property to the cheaper grades of butter which bring a better price. Oleomargarine can not be made from rancid fat, and in its manufacture great care must be exercised to exclude any material however slightly tainted.

"It is not and can not be made from fats having a marked or distinctive taste, and its flavor is derived wholly from the milk or genuine butter employed in its manufacture. It contains, as a rule, less water than does genuine butter, and consequently any difference in food value is in its favor. It undergoes decomposition much more slowly, and, indeed, may be kept many months without becoming rancid. Much has been said concerning its digestibility, and alarmists have gone so far as to claim that it is quite indigestible and likely to prove a prolific cause of dyspepsia, quite forgetting that the materials from which it is made have held a place in the dietaries of all civilized peoples since long before butter was promoted from its position as an ointment to that of an article of food. Many comparative studies have been made on this point, and the results in general have shown that there is little if any difference.

"*Oleomargarine has been the subject of a vast amount of restrictive legislation wherever it is made or sold.*—This has been passed in the interest of the dairymen and because of the ease with which it may be



fraudulently sold as butter at butter prices. To the practice of fraud in its retail sale is due very largely the passage of prohibitive laws, many of which, however, have been declared unconstitutional. In Massachusetts, for example, it had at one time a very large sale, and in the city of Boston alone were nearly 200 licensed dealers. But the amount of fraudulent dealing was so great that the legislature passed an act prohibiting its sale if it contained any ingredient causing it to look like butter; in other words, no annatto or other substance which would cause it to be yellow could be used in its manufacture. Since its natural color is almost white, and since white butter does not appeal to the eye, the result was practically the withdrawal of the article from open sale."

Coplin and Bevan, in their manual of Practical Hygiene, Philadelphia, 1897, page 119, in speaking of butter substitutes, say:

There has been bitter controversy over the wholesomeness of these members of the so-called made foods. It seems probable that the entire cavil may be settled by a consideration of three factors: (1) The purity of the material out of which the substitute is manufactured; (2) the method of manufacture; (3) the sale of the product as a substitute and not as genuine butter. The opposition has not been fair. It has been largely the producers of butter who have antagonized the production of substitutes which threatened to drive the pure article out of the market, and thus rob them of an honest living. Tax was heaped upon all "oleos;" regulations good, bad, indifferent, and unnecessary were brought forward, not, as was claimed, to protect the consumer, but in reality to protect the butter producer.

Had sanitary authorities dared, as they should long ago have done, to place such much-needed restrictions upon the genuine article, the very leaders in the crusade against substitutes would have been the loudest objectors. Now, that the heat of the controversy is over and experience has disproven many claims advanced for or against and only developed facts, the cooler heads seem to view the proposed substitutes as real advances, in that they are just what Professor Atwater claimed for them as long ago as 1886.

First. The common kinds of imitation butter, oleomargarine, butterine, etc., when properly made agree very closely in chemical composition, digestibility, and nutritive value with butter from cow's milk.

Second. In fulfilling one of the most important functions of food, namely, that of supplying the body with heat and muscular energy, they with butter excel in efficiency all, or nearly all, our other common food materials.

Third. Considering the low cost at which they can be produced, as well as their palatability and nutritive value, they form a food product of very great economical importance, and one which is calculated to greatly benefit a large class of our population whose limited incomes make good dairy butter a luxury.

Fourth. Imitation butter, like many other manufactured food materials, is liable (but in actual commerce has been found not to be so) to be rendered unwholesome by improper materials and methods of manufacture. It is also open to the special objection that it is largely sold as a genuine butter. The interest of the public, therefore, demand that it should be subjected to competent official inspection, and that it should be sold for what it is and not as genuine butter.

All that is needed in the way of official inspection has been and should be accomplished under existing statutes. If these laws are enforced, only a pure article can be manufactured and sold under its true name and at its real value. To go beyond this will legislate this useful product out of the market. The question of coloring is purely a matter of taste. While the people of England and Germany prefer the natural color of butter, which is almost white, the people of this country have been educated to prefer a yellow color, even though it is a deception for nine months in the year, and until the public is educated in this matter it appears unjust to compel them to buy what does not appeal to their eye or taste.

The enactment of the proposed law will entirely defeat the object which prompted the French Government, for humane and economic reasons, to stimulate the production of a butter substitute in the inter-

est of wage-earners. This class can not afford to pay from 28 to 35 cents a pound for creamery butter any more than they can afford the luxury of a Delmonico meal, and they should enjoy the privilege of purchasing a substitute of the same food value at half the cost. The duty of the Government plainly ceases with the enactment and enforcement of laws which protect the health and pocketbook of these consumers. To do more would simply result in extravagant prices for creamery butter, stimulate its sophistications, which are already too numerous, and compel the "bone and sinew" of this country to fall back upon the food of our forefathers with the primitive and unpalatable fats, as bacon, pork, ham, and lard.

The production of oleomargarine has cultivated a taste for the more refined and palatable fats, and I venture to say that, instead of an injury, it has indirectly stimulated the demand for genuine butter. Only the poorest classes of wage-earners feel called upon to-day to subsist upon the primitive fats, and while there is no objection to their use, we all know that they would prefer a more palatable fat for their bread, and many of you may recall how thoroughly disgusted our soldiers became with their pork and bacon ration.

The wage-earners of this country are not represented in this controversy, no petitions are likely to reach you from this source, but science has spoken in no unmistakable terms in their behalf, and as knowledge is power, it is to be hoped that you will exercise this power for the benefit of mankind in general and for no class, not even the dairy industry in particular, for I regret to say that this industry, although a strong spoke in the commercial wheel, has been guilty of many sins of omission and commission.

During the reading of the foregoing paper the following occurred:

Mr. SMITH. In that connection, would it interrupt you to ask you a question?

Mr. KOBER. No, sir.

Mr. SMITH. Do you know personally about oleomargarine factories?

Mr. KOBER. Certainly.

Mr. SMITH. Have you visited any of them?

Mr. KOBER. Certainly. My first observation was made at San Francisco at the Western Meat Company's establishment at Baden. This establishment I visited in 1893, and all that I have said in the paper I have read practically confirms the observations that I have made.

Mr. SMITH. That is the only one you have visited?

Mr. KOBER. No; I also visited a factory in Kansas City where the oleo is made, where the lard is made, and also the finished product. I have also visited a factory in this city. The factory here, however, does not produce the oleo or lards, because they are obtained at the abattoirs where they do the wholesale butchering.

Mr. SMITH. That makes three factories that you have seen.

Mr. KOBER. Yes; three representative factories.

Mr. SMITH. When did you visit the California factory?

Mr. KOBER. In 1893.

Mr. SMITH. At what time in the year?

Mr. KOBER. In the spring; it was during the midwinter exposition; it may have been in 1894; it was the spring following the Exposition in Chicago.

Mr. SMITH. And at Kansas City; when did you visit that?

Mr. KOBER. The Kansas City factory I visited in 1894.

Mr. SMITH. What month or season of the year?

Mr. KOBER. I can not now say, because it was on one of my trips to California. I have interests in California and go back and forward quite often and generally during the summer months; so it must have been either in June or in the fall of the year.

Mr. SMITH. And how long were you inspecting the California manufactory?

Mr. KOBER. I was there only a few hours.

Mr. SMITH. And the Kansas City factory?

Mr. KOBER. The same time, probably.

Mr. SMITH. And you say you have frequently visited the factory here. Do you mean the one represented by Judge Springer?

Mr. KOBER. The butterine—

Mr. SMITH. Yes; and what is the occasion of your being there so often? You said, I think, that you had been there frequently.

Mr. KOBER. I did not say that I had been there frequently. I have been there twice. I have been there to convince myself that the process of manufacture is conducted in accordance with the principles of sanitation.

Mr. SMITH. And when were those visits?

Mr. KOBER. Early this fall. The plant has only been completed, I think, within the last six months.

Mr. SMITH. And what was the occasion of your going down there?

Mr. KOBER. To satisfy myself—

Mr. SMITH. Who suggested it, if anyone?

Mr. KOBER. The suggestion came from Dr. Magruder.

Mr. SMITH. Who is he?

Mr. KOBER. He is one of the physicians in this city.

Mr. SMITH. Is he connected with the factory?

Mr. KOBER. No; but he is a physician. He may be a stockholder in the concern also, and he is naturally interested, as I would be interested, in anything that relates to matters concerning public health.

Mr. SMITH. Are you interested in this?

Mr. KOBER. I have become so lately, since—

Mr. SMITH. Since when?

Mr. KOBER. Since my visit there. For the reason that they practice exactly what they preach, and for that reason I have become interested. I believe in practicing what I preach.

Mr. SMITH. And incidentally making something out of it, if it is profitable?

Mr. KOBER. Legitimately. I regard it as a beneficent industry, and one that ought to be encouraged by everyone that has the welfare of the wage-earners in this city or the country at large at heart. I have been one of the originators and stockholders of the so-called Sanitary Improvement Company in this city, which has for its object the erection of sanitary homes for wage-earners, and which only pays the stockholders 5 per cent, and I am giving all my time gratuitously to this company in the interest of the wage-earner.

Mr. SMITH. And how much stock have you there for the beneficent purpose—

The CHAIRMAN. One moment. Perhaps the Professor would prefer to finish his paper before he is questioned at length. Have you finished your paper, Professor?

Mr. KOBER. No, sir; I have not.

Mr. SMITH. But I asked the gentleman's permission to question him. How much stock have you?

Mr. KOBER. One thousand dollars in stock.

Mr. SMITH. In the sanitary company or in the butterine company?

Mr. KOBER. I have \$1,000 in stock in the sanitary company and a like amount in the butterine company.

(Mr. Kober concluded the reading of his paper.)

Mr. GRAFF. Your paper indicates that you have been compelled to make quite an exhaustive research of the different writers on this subject. Is that true?

Mr. KOBER. Certainly it is.

Mr. GRAFF. And that research has stretched over quite a period of time, has it not?

Mr. KOBER. Yes.

Mr. GRAFF. How long have you been making research in the preparation of this paper?

Mr. KOBER. Upon this special paper, I should say three weeks.

Mr. GRAFF. You state that you have a thousand dollars invested in a local oleomargarine factory?

Mr. KOBER. Yes.

Mr. GRAFF. Did you pay for that in cash, or did you give as equivalent your services?

Mr. KOBER. No, indeed, I did not; I purchased this stock last summer before this controversy was opened, and paid for it in cash, the same as any other stockholder, I presume.

Mr. GRAFF. Have you been employed by the oleomargarine factory here, not in connection with this paper now, but in your research and for the benefit of your advice connected with the factory?

Mr. KOBER. No; I am not.

Mr. GRAFF. You are not employed?

Mr. KOBER. No; I am not employed.

Mr. GRAFF. This service that you rendered in the preparation of this paper, as you have said, continued almost three weeks continuously, did it not?

Mr. KOBER. Not necessarily continuous labor.

Mr. GRAFF. I am asking you about the fact. It involved a great deal of research and labor?

Mr. KOBER. Yes, sir.

Mr. GRAFF. And occupied almost the entire three weeks?

Mr. KOBER. Yes.

Mr. GRAFF. And you prepared that voluntarily; nobody asked you to prepare it?

Mr. KOBER. I was asked if I could appear and testify as to the wholesome character of oleomargarine or butterine as an article of food.

Mr. GRAFF. Who asked you?

Mr. KOBER. Judge Springer.

Mr. GRAFF. You put in these three weeks' work on the preparation of this paper entirely free of charge?

Mr. KOBER. I have not received any compensation for it whatever.

Mr. GRAFF. Was it not understood that you were to receive compensation?

Mr. KOBER. I simply said to Judge Springer that he would recognize that as a professional man my time was worth something; that this labor involved a great deal of time and research, and while I was always willing to give my services free in the interest of public health,

as this question also involved commercial interests, that I expected to be compensated for my labor, like any other professional man. He informed me that he had no means of paying me; that there was no fund for any such purpose.

Mr. GRAFF. I suppose he was here on the same labor of love, too.

The CHAIRMAN. The Chair would suggest that this is not upon the line of inquiry upon the bill before the committee.

Mr. LAMB. Yes, sir; Mr. Chairman, I make the point of order on that.

The CHAIRMAN. Professor Kober has read a very interesting paper, and I think we should confine our questions to the subject before us.

Mr. GRAFF. I think we have a right to know whether he appears here voluntarily or not.

The CHAIRMAN. That question has never been asked of any others before this, I think.

Mr. HASKINS. It was raised here yesterday in the case of Governor Hoard.

The CHAIRMAN. He was asked what interests he represented, and so with this gentleman we have before us now—he has said he represents the oleomargarine interests, fairly and frankly. No one disputes the fact that these gentlemen who come before us represent the industries that they are interested in.

Mr. HASKINS. And it is always permissible to show the extent of the interest the witness has.

The CHAIRMAN. But questions should not be asked tending to impugn the motives of anyone.

Mr. KOBER. I have no objection to answering any and all questions.

Mr. GRAFF. I am not impugning his motives.

The CHAIRMAN. You asked if he was paid for his services.

Mr. GRAFF. Would not that be a proper question?

The CHAIRMAN. I hardly think so.

Mr. LAMB. Most of us have read these statements by scientific people, and Professor Kober has only stated what is generally known and accepted; and as to his personal interests, I do not think we ought to go into that.

The CHAIRMAN. No one disputes that there are certain personal interests, and we are all defending our personal interests in this world. These gentlemen who have come here are defending theirs just as we are defending ours.

Mr. GRAFF. I do not think it would be improper for me to refer to the question of whether he has been paid or not. I will say that I would not think any the less of him because he was paid. I know that would be proper in a court of law.

The CHAIRMAN. This is hardly a court of law.

Mr. KOBER. I would like to state that I have not received any pay. If I do receive compensation for this service, it is no more than any professional man should expect. I have received no promise in the matter. I approached the subject years ago from a purely scientific standpoint, to learn all the pros and cons, and have been actuated by the same scientific spirit that would, for instance, actuate the German scientist inquiring into the value of a Frenchman's discovery. You must recollect that if it were possible for the German scientists to have discredited the value of this Frenchman's invention it would have been to their glory and interest to do so. Every scientific man would like to differ, if he could, from other authorities. They do not like to

simply verify the work of others, and it would be much more gratifying to be able to arrive at different conclusions. Consequently the Germans took up the investigation of artificial butter from a somewhat prejudiced point of view, but in the spirit of true science set to work to determine whether the claims of the Frenchman were correct, and whether the statements published by other authorities in its favor were correct or not. You will notice that I have taken up the subject, both of butter and of oleomargarine, in all its phases. I have looked into the question whether oleomargarine is a carrier of disease, quite as much so as whether butter is a carrier of disease.

The CHAIRMAN. I want to say right there that you have admitted the fact which has been heretofore disputed—that it is, to a limited extent, a carrier of disease.

Mr. KOBER. Yes, sir.

Mr. GRAFF. You say that professors in receiving the opinions of others and the discoveries of others—scientists—on a subject reach the same conclusion with a great deal of regret?

Mr. KOBER. I do not mean to say that this is always the case.

Mr. GRAFF. I wanted to ask you whether you have reached the conclusion you have with a great deal of regret?

Mr. KOBER. None whatever, no; because I feel that all the facts on both sides of the questions have been carefully collected and presented by me.

Mr. GRAFF. Your contention is, with regard to butter and oleomargarine, that they both can be made the medium of the transmission of diseases to some extent?

Mr. KOBER. Yes; but that the evidence on that subject is clearly in favor of oleomargarine.

Mr. GRAFF. Have you not reached that conclusion with a great deal of regret because there are other scientists who think the same way?

Mr. KOBER. I do not think that naturally follows, because this ought to be a gratifying conclusion. It involves public health, and I certainly would not arrive at a conclusion of that kind with regret. It is clearly in the interests of public health.

Mr. GRAFF. You did state, however, in your paper, as I remember, that you thought there ought to be Government inspection and regulation of the manufacture of oleomargarine, and that it ought not to be sold for anything except what it is.

Mr. KOBER. Certainly.

Mr. GRAFF. And has this occurred to you: There being a prejudice at the present time among the people against oleomargarine, brought about, as you say, by unfair attacks made upon it by the dairy interests, if certain regulations were made that would compel butterine and oleomargarine to be sold as such and not otherwise, that that would give butterine and oleomargarine a fair chance to be tested on their merits in competition with real butter, and if it could be sold at a less price, say equally good, that that would be the very best way of breaking that prejudice down?

Mr. KOBER. Are you asking me a question now?

Mr. GRAFF. Yes.

Mr. KOBER. I wish you would formulate it a little shorter; I do not believe I can follow you.

(The question was read by the stenographer.)

Mr. KOBER. I think the matter is altogether one of education. If

the public knew to-day all the facts, for instance, as presented in my paper, and they were appreciated by them to the full extent, they would no longer hesitate to ask for oleomargarine at a retail store. I think they would come out holdly and say: "Give me a pound of oleomargarine," and undoubtedly they would be supplied with oleomargarine, because they asked for it.

Mr. GRAFF. But they don't do that at present?

Mr. KOBER. No.

Mr. GRAFF. Now, then, is it not true that butterine is sold very frequently as butter by the retail dealer, and does not that fraudulent sale of it militate against butterine and keep up the prejudice against it?

Mr. KOBER. As far as personal knowledge is concerned, I can not say; I presume that it has been frequently sold as butter.

Mr. GRAFF. When retail dealers are constantly endeavoring to conceal the fact that they are selling butterine, does not that contribute to that prejudice which still exists, and is not that injurious to the sale of butterine and oleomargarine among the people, you thinking that it is equally good with butter?

Mr. KOBER. I have no way of knowing to what extent retailers conceal the sale of butterine. I know in many States, if not all States, they require special licenses to sell it at all, and that, together with the notice in the store, ought to be sufficient notice to the purchaser that they are buying oleomargarine.

Mr. H. C. ADAMS. May I be permitted to ask a question with reference to the order of procedure, Mr. Chairman?

The CHAIRMAN. You may.

Mr. ADAMS. I was not present here yesterday. I understand these hearings are to be continued every day, and I wish to state that a committee was appointed at Buffalo at the meeting of the National Dairy and Food Commissioners' Association, consisting of five dairy commissioners from five different States, to attend the meetings of this committee. A meeting of those gentlemen has been appointed for to-day, and as at least two of the commissioners, and probably more, will be in the city this afternoon, I would like to know if it would be in accordance with the desire of the committee that some representative of that commission should appear here to-morrow?

The CHAIRMAN. The committee decided, after hearing the requests of the different interests last Wednesday, that Monday would be accorded to Governor Hoard for a hearing. He said the dairy people did not require any time, but we gave him a day. The committee decided, then, that Tuesday and Wednesday and Thursday of this week would be given to the oleomargarine people and that next Monday from 12 to 2 should be given to the butter interests, that Tuesday should be given to the hearing of members of Congress who have introduced bills upon the subject, and that Wednesday the various bills should be taken up by the committee.

Mr. ADAMS. One question more. In reference to these hearings I would like to inquire if any of the representatives or the friends of these measures can be permitted to ask questions?

The CHAIRMAN. That subject was not touched upon by the committee. I would say that it would be preferable for any outside gentlemen who desire to ask questions to put their questions through members of the committee. But that is a matter I would like the committee to decide.

Mr. GRAFF. You do not mean to state that you are not fully aware that butterine is sold as butter quite generally throughout the United States, do you?

Mr. KOBER. I simply state that I have no means of determining the extent to which it is sold.

Mr. GRAFF. But you have a general opinion that it is sold pretty generally as such?

Mr. KOBER. Yes.

Mr. GRAFF. Now, that being true, with your opinion of butterine and oleomargarine, do you not consider that that fraudulent sale of butterine militates against the traffic itself?

Mr. KOBER. Militates against the traffic of what?

Mr. GRAFF. The traffic in butterine and oleomargarine.

Mr. KOBER. Undoubtedly. Every product should be sold for what it is and at its true value.

Mr. GRAFF. Now, that being true, if a measure were passed by Congress which compelled an article to be sold for what it is, then that measure would not be calculated to oppress the sale and dealing in that article, would it?

Mr. KOBER. It may not oppress, but, on the other hand, it may create a hardship.

Mr. GRAFF. You state that in Germany and in one other country—I think, perhaps, France—they prefer their real butter and imitation butter to be white. The question of the color, then, is one of fancy. Now, do you not think, if an article were introduced into the United States which was a good substitute for butter, and sold upon its merits, and people knew that they were eating this imitation butter and not the real butter, and became convinced that it was a good substitute butter, that the fact that it was white would be a matter of prejudice which would be very easily overcome?

Mr. KOBER. Not so easily as you think.

Mr. SMITH. In that connection may I ask a question?

Mr. KOBER. I would like to answer Mr. Graff's question more fully, because my reply is not a very satisfactory answer.

Mr. SMITH. All right.

Mr. KOBER. I want to say that if the people of the United States were eating natural butter—that is, butter not colored—and it was fashionable to eat white butter, the poor wage-earner would not hesitate a moment to buy an article like oleomargarine, whose natural color is also white.

Mr. SMITH. Is it not true that in France the law requires oleomargarine to be white?

Mr. KOBER. I could not tell you what the law is in France. If that is true, I know that butter there is also included; that is, the butter is white. The butter there is always sold in the uncolored state. This is also true of Germany, and, I am quite sure, of England. There seems to be a growing demand for white butter also in some portions of the United States. But until there is a universal demand for uncolored butter people will hesitate to purchase uncolored oleomargarine.

Mr. GRAFF. What part of the United States is it that they prefer white butter and white imitation butter?

Mr. KOBER. I think in some of the hotels in New York. I have seen white butter at some of the private tables in the city also; that is, the natural color of the butter.



Mr. SMITH. You refer there to a batch of cases. I think you say there are 106 of milk carrying diseases. You picked up a package?

Mr. KOBER. Yes; I have here the records of 330 epidemics spread through the medium of the milk supply—

Mr. SMITH. Do you purpose to leave those with the committee?

Mr. KOBER. If you would like to have the details published, I should be delighted.

Mr. SMITH. Were those the cases you referred to in your paper?

Mr. KOBER. Yes, sir; in my paper; and they give the details of every epidemic of typhoid fever, scarlet fever, and diphtheria spread through the milk supply.

Mr. SMITH. What I want is, what chemical element in the milk is there that carries the disease?

Mr. KOBER. There is nothing in the chemical constituents of milk or butter that produces an infectious disease. They are simply the vehicle of germs—

Mr. SMITH. But what part of the butter, as shown by the chemical analysis of butter, is it that transmits the disease?

Mr. KOBER. I have already told you that infectious diseases—I might say here—

Mr. SMITH. You do not understand me. There are several ingredients in butter?

Mr. KOBER. Yes.

Mr. SMITH. What is it in the butter that carries the disease—that is instrumental in carrying it?

Mr. KOBER. I do not think there is any particular ingredient; it acts simply as a vehicle.

Mr. SMITH. These germs are found not in the fat of the butter, are they?

Mr. KOBER. You must remember that 83 per cent of butter is fat. The balance is water. Eighty-three per cent is fat, and therefore that constitutes the bulk of butter.

Mr. SMITH. Does the thing that carries the disease in butter also appear in oleomargarine? It does, doesn't it?

Mr. KOBER. Precisely.

Mr. SMITH. Then if disease will be carried by butter it will be carried by oleomargarine?

Mr. KOBER. But not to the same extent, for the reason that oleomargarine is melted. It is melted at a temperature of about 157° or higher, and the heating destroys these little organisms which are capable of producing disease in the human body.

Mr. SMITH. In your paper you mentioned several cases where milk has transmitted disease and only a few cases where oleomargarine has done it. Do you not think that the investigation of oleomargarine has not progressed to the same extent?

Mr. KOBER. Well, all of the evidence that I have collected from both sides, so far as butter and oleomargarine are concerned, does not extend beyond the year 1890, because bacteriology was still in its infancy, and very few investigations into the question of butter as a carrier of disease or oleomargarine as a carrier of disease extend beyond the year 1890, but the opportunity for making investigation in the oleomargarine field was quite as good as in the field of butter investigation.

Mr. SMITH. If it is true, as you are inclined to think, that oleomargarine does not carry disease to the same extent that butter carries it, from the sanitary point, would it not be best that oleomargarine

should have a distinct color, so that the danger from butter would be avoided?

Mr. KOBER. As I said before, when the average wage-earner is educated to the extent we hope he may be educated, and boldly asks for oleomargarine, and does not permit his wife to sneak into a grocery shop and ask for butter when she wants oleomargarine, then I believe the time will arrive when you can have it labeled, colored, and designated in any way you please.

Mr. SMITH. Is there any white oleomargarine sold?

Mr. KOBER. As far as I know, no.

Mr. SMITH. Why not sell it to the wife white, so she will not have to sneak into the grocery store by the side door and then take it home and color it? She could color it, could she not?

Mr. KOBER. Yes; and she could also color pure butter.

Mr. GRAFF. Why does the wife go into the grocery store and ask for something she does not want?

Mr. KOBER. For the same reason that poverty is always sensitive. I want to say that, as a matter of fact, I was a poor boy myself at one time and was compelled to eat primitive fats on my bread, and I was sent to school with primitive fats, which formed quite a contrast to the buttered bread of other children.

Mr. GRAFF. Is it not this way: "Thy servant has asked bread and thou hast given me a stone?" Is not the boot on the other leg; that they want butter and do not get what they want?

Mr. KOBER. No; I am inclined to think that they know, when they are paying the prices that they do pay for it, that they are not getting Elgin butter. They ought to know it.

Mr. SCOTT. I would like to ask you whether, in your opinion, oleomargarine suitable for the market can be made from refuse fat—grease?

Mr. KOBER. While it is not absolutely impossible, I think it highly improbable.

Mr. SCOTT. You are not inclined to believe, then, the reports which have been circulated to the effect that in many butterine and oleomargarine factories the cast-off refuse from animals which have died natural deaths, or from the hotels and restaurants, is used in the manufacture of oleomargarine?

Mr. KOBER. I certainly do not believe it, and I do not believe there is a professor of hygiene in the United States who believes it.

Mr. SCOTT. Would you mind giving the reasons why you do not believe it? Do you think it chemically possible?

Mr. KOBER. As has been stated, oleomargarine can not be made from fats that either have the slightest degree of rancidity or have a marked distinctive taste—that is, a pronounced taste—that would indicate its having been made of old or rancid fats. The taste would at once indicate that. The object is to get the most palatable product possible, and therefore the interests of the manufacturers are subserved by selecting only the purest fats. If they did not, the product would not sell.

Mr. SCOTT. As regards butter and oleomargarine being vehicles for disease germs, I understood your paper to convey the idea that if disease germs were oftener found in butter than in oleomargarine it was due to the manner of preparation of the two products.

Mr. KOBER. Precisely.

Mr. SCOTT. That disease germs were more likely to be worked in

with the butter in the course of its manufacture than they were into oleomargarine when it was manufactured?

Mr. KOBER. You are quite correct.

Mr. SCOTT. It is a fact, I presume, that each of these products, as they are manufactured, are equally susceptible to the influence of infected air or infection from any other source?

Mr. KOBER. Quite so; yes.

Mr. SCOTT. Is it not true that butter and oleomargarine are both peculiarly susceptible to such influences, to such an extent, perhaps, that an onion exposed in a room full of butter would taint every particle of that butter so that it might be detected?

Mr. KOBER. Quite so; both being refined fats are likely to absorb the odors that exist in the surrounding air.

Mr. GRAFF. Equally so?

Mr. KOBER. Equally so, I should say.

Mr. SCOTT. Then if there is any difference in the two as conveyors of disease germs it is simply due to the process of manufacture?

Mr. KOBER. Yes; and the original sources, the greater possibility of contaminated milk.

Mr. HAUGEN. In a chemical test would you have any way of detecting whether or not refuse fat had been used?

Mr. KOBER. Of determining what, sir?

Mr. HAUGEN. Of determining whether or not refuse fat had been used in the manufacture of the article?

Mr. KOBER. I am not sufficient of a chemist. Professor Wiley is here and he can answer that question, I am sure, better than I can. I should say that in that case the taste would be the best indication. You could not possibly make a pure tasting butterine or oleomargarine from any fat that has been tainted to the slightest degree or has undergone the slightest degree of decomposition.

The CHAIRMAN. I would say right there, for the information of the committee, that Professor Wiley testified to that fact in the hearing last year. That is in the testimony given before this committee last year.

Mr. HAUGEN. You are aware of the fact that the ingredients that are used in the manufacture of oleomargarine have an exceedingly strong and distasteful flavor?

Mr. KOBER. That the original ingredients have?

Mr. HAUGEN. Yes; I mean what is used in the manufacture of oleomargarine. For instance, you visited factories where it is made, and you know it is impossible to get within a distance of several rods or a number of rods?

Mr. KOBER. I have had no such experience. On the contrary, the odors have always impressed me as clean and pure.

Mr. HAUGEN. Your experience is different from mine. Do you mean to say that there is nothing offensive in the odor?

Mr. KOBER. You mean in the manufacture of the butterine itself, in the establishments where the oleomargarine is made; or do you refer to the slaughterhouses?

Mr. HAUGEN. I refer to where the oleomargarine is made; in the factory itself.

Mr. KOBER. In the factory itself?

Mr. HAUGEN. I have reference to the barrels of fat that are standing around where the oil is made and the oleo itself is made.

Mr. KOBER. My recollection is that there is nothing offensive in

these odors. Of course they are not the flavor of butter, by any means, but there is nothing unwholesome in the odors and there is nothing offensive—that is, there is nothing in the way of stinking gases, which would be the result of decomposition. If they are not undergoing decomposition there can be nothing putrid or offensive in the atmosphere.

I would suggest right in this connection that inasmuch as there is a butterine establishment in this city, between 4 and 5 miles from us, that perhaps nothing would be better than an unannounced visit to that factory to convince yourselves of the method of the manufacture.

Mr. DAHLE. Is that the one of which you are a stockholder?

Mr. KOBER. Yes, sir.

Mr. DAHLE. Is it not true that your advocates claim that disease germs are killed by the excessive heat through which oleomargarine is put?

Mr. KOBER. Yes.

Mr. DAHLE. And thereby the eating of oleomargarine is less liable to cause disease than the eating of butter?

Mr. KOBER. Quite so, and naturally so.

Mr. DAHLE. If, as a matter of fact, this excessive heat kills the disease germs would it not destroy the taint also; is it not true that if the excessive heat through which it is put in its manufacture would remove the germs of disease it would also remove the taint?

Mr. KOBER. No; I think not.

Mr. DAHLE. What produces the taint?

Mr. KOBER. The taint in bad fats?

Mr. DAHLE. In bad fats, yes.

Mr. KOBER. Decomposition or putrefaction gives rise to putrid gases, and the taint becomes noticeable through one's sense of smell. I mean gases which result from putrefaction.

Mr. DAHLE. And is that removed by heat?

Mr. KOBER. I believe not; but the process of decomposition is arrested by excessive heat for the reason that putrefaction is initiated by the bacteria of putrefaction, and if you destroy the bacteria you arrest the process. It does not go beyond that, and my impression is that the taint is not removed.

Mr. GRAFF. You have spoken of 157° being the temperature that is used. There has been some question about that and some people have been inclined to differ in that respect—about the height of the temperature. Are you sure of that?

Mr. KOBER. I am not quite sure, because I have not charged my memory with the exact temperature necessary to melt the oleomargarine.

Mr. GRAFF. What about the oleomargarine being put through a temperature of 157°? Is that high enough for the purposes desired?

Mr. KOBER. That would depend on the length of time it was exposed to that temperature. The proper temperature is 167°. You would kill the germs by five minutes' exposure at 167°, and you may kill the germs by prolonged exposure at a lower temperature. For instance, most of the milk is pasteurized at a temperature of 167°. To kill the germs outright, if there were any germs, it would have to be subjected to a temperature of 167°.

Mr. HENRY. You have read this bill that is pending before the committee?

Mr. KOBER. Yes, sir.

Mr. HENRY. The substance of it is simply to prevent the fraudulent sale of colored oleomargarine. Now, you have made reference several times to your interest in the labor demands. We all sympathize with that view. Do you think that a bill that proposes to reduce the tax on oleomargarine  $1\frac{1}{2}$  cents a pound would injure the interests of the laboring man or would lead to an injury?

Mr. KOBER. Certainly not.

Mr. HENRY. That is all the proposition that is before this committee.

Mr. KOBER. I understand fully that if the wage-earner was educated to appreciate the value of oleomargarine and asked for it, as I have said before, he would know that it would be to his advantage to have the law enforced and to have it sold as uncolored oleomargarine. But it does not satisfy his taste or his eye at the present time, because the moment you compel him to buy oleomargarine in its natural color he feels that he proclaims to the world that he is too poor to buy genuine butter and that he is obliged to buy this substitute.

Mr. GRAFF. Then it is a question of pride and not of taste?

Mr. KOBER. And a question of right. In other words, he has just as much right, it seems to me, to have his oleomargarine colored as the people of the United States have to have their butter artificially colored.

Mr. HENRY. You have stated that at tables in Washington where you have been entertained you have found uncolored butter, and that some of the high-class hotels in New York also use uncolored butter. Is there any impropriety in teaching the laboring men to use a product that the best tables in Washington and the best hotels in New York are using? Is there any injustice in that?

Mr. KOBER. Certainly not. I believe in education.

Mr. HENRY. Would not this bill tend to educate?

Mr. KOBER. No; not a bit. They would simply regard it as invidious class legislation. But if a paper like mine was scattered broadcast, I think it would serve to educate the people.

The CHAIRMAN. I think, as a matter of fact, the demand for light-colored butter is growing in this country.

Mr. KOBER. We hope it is, because certainly every intelligent person must know that butter, with its uniform yellow color the year around, is artificial. Those who have ever been on a farm and witnessed the preparation of butter realize at once that there is a difference between that particular butter as it came out of the tub and what they see at the average table in the United States.

Mr. GRAFF. Butter is not white in its natural state, is it?

Mr. KOBER. No; it is a straw color, as I have said, for nine months, and varies in shade to a deep yellow during the grass season, but it is never absolutely white.

Mr. HENRY. Returning to the original question, you can not consider it a great injustice to the laboring man to cheapen his product  $1\frac{1}{2}$  cents a pound.

Mr. KOBER. I think not; but what is the result, what has been the practical result of such legislation in Massachusetts? Professor Harrington tells you that the sale of oleomargarine practically ceased in the State of Massachusetts upon the adoption of that law.

Mr. HENRY. Allow me to state that in the State of Connecticut, where they have for years prohibited the sale of colored oleomargarine,

there has been a considerable sale of uncolored oleomargarine; and that the manufacturers in Chicago—for instance, Mr. Moxley, who is one of the largest ones—announce on their billheads that they are manufacturers of uncolored oleomargarine.

Mr. KOBER. I am very glad to hear it, because that is the kind of education we need.

Mr. SMITH. When was Professor Harrington's report made?

Mr. KOBER. It is a text-book pure and simple.

Mr. SMITH. What was the date of it?

Mr. KOBER. 1901.

Mr. SMITH. Perhaps there has been such education in this direction in the matter of white butter since then that it would sell perhaps now in Massachusetts.

The CHAIRMAN. I think every butter man here will agree with me that the taste in regard to butter is changing. Is Mr. Adams here? Perhaps he can tell.

Mr. ADAMS. Yes, sir; and I think quite a marked change within the last two or three years. The tendency of our more cultivated taste for butter is toward the uncolored article. I found recently in a trip through New England—Maine, New Hampshire, and Vermont, and also Massachusetts—they use a much lighter shade of butter there in the first-class hotels than we do in the West.

The CHAIRMAN. I have noticed it going through the markets here. I do not think we find as highly colored butter as was to be found ten years ago in these markets here.

Mr. SMITH. Do you attribute that to the fact that oleo is so much better than butter?

Mr. ADAMS. No; I could not say that. I want to see every article sold in its natural condition.

Mr. HENRY. During my visit home in the holidays I met a creamery manufacturer and asked him how much butter they were making. "Four hundred pounds a day." "Are you using any coloring?" "Just a little, to keep it uniform." "How much?" "We weigh out half an ounce for 400 pounds."

Mr. DAHLE. You were speaking about the investigations you had made from a scientific standpoint, and there were some facts that you brought out. You refer to an article, from which you quoted, that it was charged that oleomargarine was manufactured from grease that came from dogs that had been killed because they had the rabies. Would you consider that article along the line of scientific research?

Mr. KOBER. The statement emanated from a so-called scientific source—the board of health of a community large enough and rich enough to afford better service.

Mr. DAHLE. What community was it?

Mr. KOBER. I am sorry to say it is not stated by Professor Harrington in the text-book. It may have been close at home—possibly Boston itself.

Mr. DAHLE. Would you consider that scientific research—regarding the usage, for instance, of dogs in the manufacture of oleomargarine?

Mr. KOBER. No; it simply shows how far the opposition has gone in their endeavors to poison the minds of the public against oleomargarine, and that this opposition did not come alone from the dairy people, but also from health boards, who should know better.

Mr. DAHLE. So you do charge this to the dairy people?

Mr. KOBER. No, indeed. This must be charged clearly to the health officers.

Mr. DAHLE. Do you feel, Professor, that you are in a position, that you have had the experience, so that your statement as to illegal sales of oleomargarine should be taken as authoritative, that you can speak with good judgment on that?

Mr. KOBER. No; I can not.

Mr. DAHLE. Do you know, for instance, how many States have laws prohibiting the sale of oleomargarine?

Mr. KOBER. I do not; but I am inclined to think that the majority of the States have laws affecting the matter.

Mr. DAHLE. Do you know as to the amount of oleomargarine that is sold in the different States, compared to the other production?

Mr. KOBER. No; I have not investigated that subject.

The CHAIRMAN. I should say that the professor is more of a scientific man than a commercial man, and those facts can be brought out better, perhaps, by interrogating some of the other witnesses.

Mr. DAHLE. When you were asked, for instance, as to whether, in your opinion, fat and grease were fit substances for the manufacture of oleomargarine—do you remember such a question from the gentleman sitting there [indicating]?

Mr. KOBER. What kind of fat and grease?

Mr. DAHLE. And your answer was "No?"

Mr. KOBER. Some of these gentlemen asked me whether I believed oleomargarine was made from tainted fats.

Mr. DAHLE. Or diseased animals and scraps.

Mr. KOBER. And I gave my opinion that such stuff could not be used and was not used.

Mr. DAHLE. On account of being tainted?

Mr. KOBER. Yes, sir.

Mr. DAHLE. Now, then, suppose we go to a hotel and we ask for a nice piece of ham and there is a whole lot of fat around that ham, which we leave. We do not like to eat that. Or we may order a nice roast and leave a lot of fat. If the fat was saved after we left it would it be tainted in this way so it could not be used for oleo?

Mr. KOBER. I do not think any oleomargarine manufacturer in the United States would utilize such fat for its incorporation into oleomargarine, because that is not sufficiently pure.

Mr. DAHLE. That does not, however, answer my question. My question was whether or not it could be used. You have said that the taste was the reason these other fats could not be used. Now, having stated that, do you think these scraps from these meats—these fats—can be used?

Mr. KOBER. I do not.

Mr. DAHLE. Do you consider such fats are tainted?

Mr. KOBER. They are not tainted, but they could not be used in the manufacture of oleomargarine.

Mr. DAHLE. Why not?

Mr. KOBER. Because they would not give a pure butter taste, such as the oleo should produce.

Mr. DAHLE. But you do not claim that these fats are tainted, that they have a different taste from the right taste?

Mr. KOBER. No; but the color itself would condemn it; it would not be considered—

Mr. DAHLE. Oh! It is the color?

Mr. KOBER. Yes.

Mr. DAHLE. What color, for instance, would the scraps of such stuff produce in the case of its being used for oleomargarine oil?

Mr. KOBER. You spoke of ham being used at a table, evidently meaning cooked ham?

Mr. DAHLE. Ham or beef.

Mr. HAUGEN. Sirloin steak, for instance?

Mr. DAHLE. Yes.

Mr. KOBER. I do not see why any manufacturer should want to use this refuse when he has a large, pure supply to fall back on at the abattoirs.

Mr. DAHLE. However, that does not answer my question. You have stated that the color was against it. Now, what particular color is against it; what particular color will it produce in the oleo oil so that the oleo oil will not be fit to be used in the manufacture of oleomargarine just the same as other oleo oils?

Mr. KOBER. My judgment is that it is not only the color but also its taste. Fats that could be obtained from scraps of meat that might be fried or broiled would have a different taste from the natural fats—an entirely different taste.

Mr. DAHLE. A while ago you said it was not the taste, but it was the color; and now you leave the question of color and go back to the taste. Is it the taste or is it the color?

Mr. KOBER. It is both; I should say it was both.

Mr. DAHLE. As you say it is both, I will ask you what particular color would the oleo oil be and how would it affect the oleomargarine made from such, in combination with pure oleo oil?

Mr. KOBER. If taken from scraps of beefsteak that have been fried, roasted, or broiled, the color would be decidedly dark; and also if taken from fried or broiled ham it would, very likely, be dark.

Mr. DAHLE. Do I understand you to say that the oleo oil manufactured from such scraps, or in combination with pure oleo oil, if used in the manufacture of oleomargarine would result in a dark product?

Mr. KOBER. I am inclined to think so, because all fats from fried, roasted, or broiled meats often acquire a sooty or charry color.

Mr. DAHLE. Do you know it?

Mr. KOBER. I do not know it, because I have never known it to be used.

Mr. DAHLE. Do you know that it has not been used?

Mr. KOBER. No; I do not, but I can not conceive of any reason why it should be used.

Mr. DAHLE. If this oil produces a darker color it would resemble the butter color, and would it not resemble butter and so save the manufacturer in the expense of coloring?

Mr. KOBER. No; I think it would give a dirty color.

Mr. DAHLE. You do not think it can be mixed with the pure oleo oil but what it would give a darker color?

Mr. KOBER. I am inclined to think it could not.

Mr. DAHLE. But you do not know it?

Mr. KOBER. No; because I have never known it to be used.

Mr. DAHLE. In your judgment, if such scraps were used, could the trace of that be followed right to the manufactured product of oleomargarine?

Mr. KOBER. If used in sufficient quantity, yes.



Mr. DAHLE. But if in a moderate quantity?

Mr. KOBER. That depends on what you call moderate.

Mr. DAHLE. What do you call moderate?

Mr. KOBER. If you had, for instance, an ounce of scrap fat and 100 pounds of fat that was pure, natural fat, it would not have any appreciable effect, probably, on the color or taste.

Mr. DAHLE. But you have not studied it so that you can say how much it would take to make itself manifest?

Mr. KOBER. No.

Mr. WILTON J. LAMBERT. Mr. Chairman, is it the ruling of the committee that no outsiders are to be allowed to ask questions of the witnesses?

The CHAIRMAN. The committee has decided that questions must be put through members of the committee.

(Thereupon, at 12.45 p. m., the committee adjourned until to-morrow, Wednesday, January 15, at 10 o'clock a. m.)

## ABNORMAL MILK AND MILK-BORNE DISEASES.

By GEO. M. KOBER, M. D. [Appendix to his Statement on Butter and Butter Substitutes.]

In view of the importance of milk as an article of diet for infants, children, invalids, the sick, and convalescents, it is perfectly natural that much attention should have been given to the study of this food stuff, and that of late years the sanitarian and bacteriologist should also have found it a profitable field for research.

Few countries until recently have deemed it necessary to do more than prevent adulteration of the milk, and many of our legislators appear to think that as long as the milk has not been skimmed or watered, and contains the standard of 12 or 13 per cent of total solids, we need not worry about the germs we eat or drink. This may be a pleasing reflection to persons who do not know that such hydra-headed diseases as scarlet fever, diphtheria, and cholera infantum have been disseminated in the milk supply, that typhoid fever epidemics have been thus caused, and that milk may be the vehicle of the germs of tuberculosis and other infectious diseases and morbid agents.

For the sake of completeness we will refer to all the conditions likely to affect the quality of the milk and thereby render it morbid, and divide the subject into several groups.

### SECTION 1.

MILK WHICH IS OBJECTIONABLE BY REASON OF COLOR, ODOR, TASTE, AND CONSISTENCY.

(a) *Abnormally colored milk.*—Fuchs was the first to point out that blue and yellow colored milk may be due to the presence of chromogenic microorganisms, and Neelson, in 1880, and Hueppe, in 1881, proved that blue milk was caused by the bacillus cyanogenus, which may even invade the udder of the cow. Mosler and Uffelmann refer to cases of gastrointestinal catarrh produced by the consumption of such milk. The color produced by chromogenic germs is usually superficial, and, according to Schröter, is due to the development of various anilines, such as aniline blue and fuchsin, from the casein; a uniform blue color is imparted by adulteration with water and certain kinds of cows' feed, and by some drugs.

Yellow milk may be due to the addition of coloring matter such as annatto or saffron or the development of the bacillus synxanthus (Schröter), but may also be caused by the injection of rhubarb (Mosler). Red milk may be caused by rhubarb or the presence of the *B. prodigiosus*, the spirillum rubrum, the admixture of blood, especially when the milk looks streaky, but is most frequently due to feeding the animals madder or bedstraw. Brown milk may be due to the presence of foreign matter or the products of certain fungi. A bluish-red color is caused by the bacterium lactis erythrogenes (Hueppe), while green milk is generally the result of an excess of fat and incomplete emulsification, sometimes due to the presence of the bacillus fluorescens, and occasionally, as in suppurative affections of the udder, to the presence of green pus.

(b) *Abnormal odor, taste, and consistency.*—This may be caused by the character of the food, exposure of the milk to air charged with foul vapors, as shown by Tait, or the presence of foreign matter. The odor of onions is imparted when any of the alia are eaten, and after the injection of even a small quantity of skunk cabbage the milk yields the characteristic odor. The consumption of turnips, cabbage, or decaying leaves frequently affects the flavor of the milk. Milk is said to acquire a bitter taste after the injection of wormwood or when the animal suffers from disease of the liver interfering with the proper elimination of the biliary acids and salts, but is most frequently due to the presence of certain forms of bacteria, most frequently present in dark, damp, and badly ventilated milk houses; a salty milk often results from cattle grazing upon marshy salt grasses.

Occasionally we see a stringy or filamentous milk which, according to Schmidt-Mülheim, may be due to the presence of certain micrococci, very generally found in dirty milk pans or other utensils; sometimes the milk is slimy, and several species of bacteria have been described as the cause of this condition; chief of these organisms is the bacillus lactis viscosus, isolated by Adametz. In rare instances milk presents a soapy taste, which, according to Weigmann, is due to a specific bacillus. It is needless to add that all such milk is unfit for use; indeed, there is very little danger from this source, as few persons would accept such milk and fewer still will be found willing to take the chances in selling the milk, although they may work it off with other milk. The matter, however, is of even greater interest to the dairyman on account of the possible loss involved in such infections.

(c) *Colostrum milk* and the milk yielded three to five days before calving differs in composition from normal milk; the former frequently contains blood corpuscles from the vaginal passages. Dr. Heisch reports the case of a family using such milk who were attacked with symptoms resembling severe influenza, with high fever and great soreness of the inside of the mouth, throat, and tongue, which were covered with small pustules. The servants, who took only the skimmed milk, remained unaffected. One child, who for two days refused everything but water, got pretty well rid of her symptoms, but they returned as soon as she began to use the milk, which led to the examination of the milk, which was found to contain pus and blood corpuscles, also colostrum or a body closely resembling it. According to Höhne, milk yielded by animals a few days before calving has induced diarrhea and colic in the consumers.

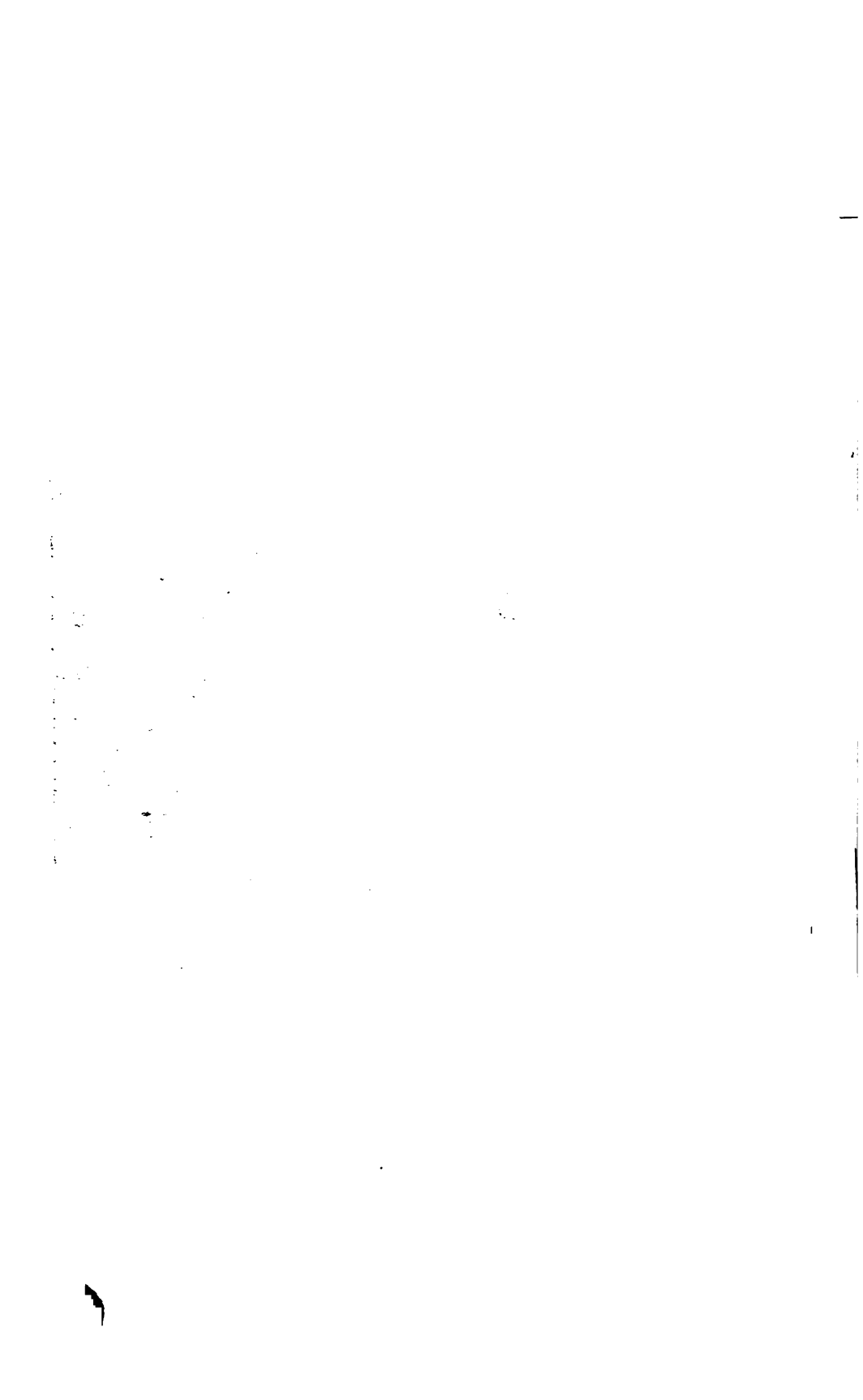
(d) *Milk sediments.*—Every consumer of milk has doubtless observed the presence of more or less foreign matter found at the bottom of the vessel or bottle in which it is kept; indeed, it is a matter of such common occurrence that it hardly excites our attention, and many are disposed to look upon it as a matter of course. Professor Soxhlet, of Munich, was perhaps the first to point out that these deposits are largely made up of excrementitious matter from the cow, which, adhering to the udder of the animal, gained access to the bucket in the act of milking. Professor Renk, of Halle, brought this subject to the attention of the section of hygiene at the International Medical Congress, held in Berlin in 1890, and no one of his audience is likely to forget the valuable object lesson presented by him.

Having been impressed with Soxhlet's investigation and from frequent personal observation of these impurities in his own milk supply, he determined to ascertain the average amount of filth sold with each liter (about 1 quart) of milk. For this purpose he secured samples from different dairies which supplied the city of Halle, and permitted them to settle for two hours, after which he decanted half of the top milk and added the same quantity of distilled water, and repeated this process several times until the foreign matter was suspended in pure water. He then weighed his filtering paper, collected the sediment on this filter, which he dried at a temperature of 212° F., and weighed it again to determine the exact amount of foreign matter. A number of these filtrates, pasted behind a large pane of glass and framed for permanent exhibits, presented various shades in color of gray, green, and brown, each representing the amount of filth contained in liter of milk, and furnished at once a positive index of the degree of cleanliness observed at the various milk farms. Professor Renk extended his investigation to other German cities and found the average weight, dried, in a liter of milk was at Leipzig, 3.8 milligrams; Munich, 9 milligrams; Berlin, 10.3 milligrams; Halle, 12.2 milligrams.

These filtrates were so disgusting in appearance that we were not disposed to accept them as a standard for American milk, and with the courteous consent of Dr. Woodward, health officer of this city, Professor Hird kindly prepared for us filters from 24 specimens of Washington market milk taken at random, with the result that they presented even a greater amount of impurities, weighing all the way from 5 to 30 milligrams per pint and quart, and as fecal matter contains about 85 per cent of moisture, the weight of undried filth in the maximum specimen would have been about 180 milligrams per quart.

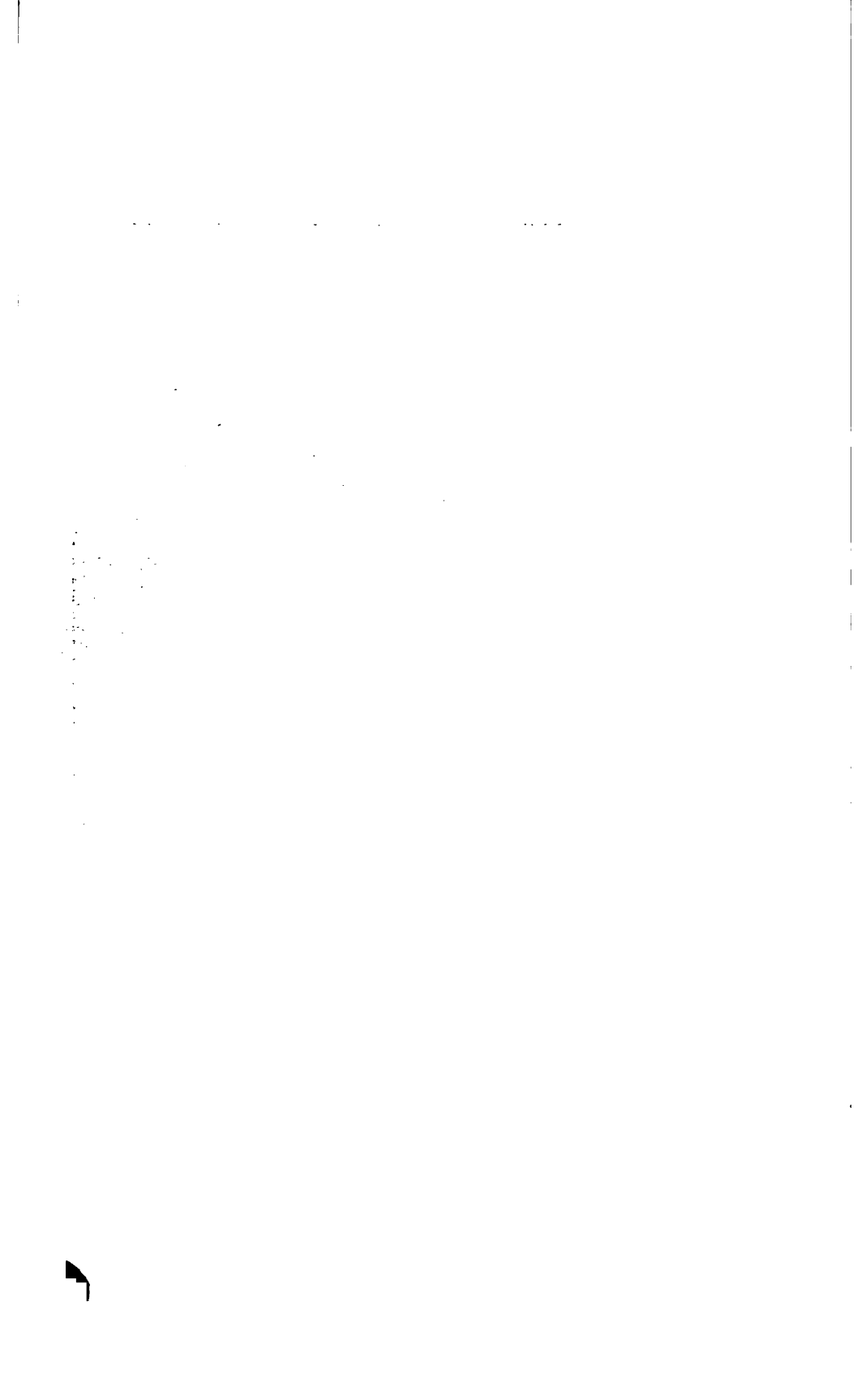


PHOTOMICROGRAPH OF MILK SEDIMENTS (WASHINGTON, D. C.) BY DR. WM. M. GRAY, U. S. ARMY  
MEDICAL MUSEUM.  
Magnified 200 times.





PHOTOMICROGRAPH OF MILK SEDIMENTS (WASHINGTON, D. C.) BY DR. WM. M. GRAY, U. S. ARMY  
MEDICAL MUSEUM.  
Magnified 200 times.



Now, it is not at all likely that the average American housewife would tolerate anyone to throw that amount of filth into her milk pitcher, and yet practically we suffer it to be done, and there is no law to prevent it.

These matters are hardly brought home to us when we talk about so many grains or grams of filth. Indeed, there is nothing so effectual as an object lesson, which every consumer can prepare for himself in the manner indicated, and if this should prove too tedious, it is simply necessary to examine the bottom of an average milk bottle after standing a few hours.

If these sediments are subjected to microscopical examination we will find, as shown in the accompanying microphotographs, prepared through the kindness of Surgeon Reed by Dr. Gray, of the Army Medical Museum, that they are composed of epithelial debris, hairs of the cow, excrementitious matter, vegetable fibers, organic and inorganic dust particles, bacteria, fungi, and spores of every description—fully 90 per cent of the germs are fecal bacilli—all of which is not only disgusting, but extremely suggestive of danger.

The number of microorganisms in such milk is largely increased, and while there is no evidence that milk of this description, when taken perfectly fresh, has proved injurious to the consumer, we know that bacterial development and consequent decomposition is materially hastened in such a medium, and that the conversion of lactic sugar into lactic acid, apart from impairing the nutritive value, may cause gastro-intestinal disorders in delicate infants.

Dr. H. C. Plaut, of Leipsic, found as a rule that in warm weather the so-called fresh milk delivered in the morning has already passed the period of incubation and is unfit for use by young children, and of 47 infants whose milk supply was carefully investigated by him, 18 developed, under such conditions, digestive disorders, and 6 died.

The greatest danger from milk of this class is the possible presence of tyrotoxinon and other toxins or bacterial products. Professor Vaughan believes that the former poison is developed by the growth of a germ, which under favorable conditions multiplies with astonishing rapidity. The presence of the very filth referred to, a summer heat, and the pernicious habit of placing the milk before cooling in covered cans or bottles, perhaps dirty besides, constitute favorable environments for the development of this poison.

Cases of poisoning by milk and ice cream were reported long before we knew the nature of this poison, by Haschek, Hagner, Cameron, Barruel, Orfila, Marjolini, Bonorden, Hasset, Schroff, and others, quoted by Husemann, with symptoms of nausea, vomiting, dryness, and a sense of constriction of the throat, vertigo, colic, purging, with a tendency in some cases to collapse, in others to numbness of the extremities and stupor.

In 1884 Vaughan isolated a poison found in poisonous cheese and called it tyrotoxinon; in November, 1885, he found the same substance in old milk; in June, 1886, he demonstrated its presence in poisonous ice cream, and in milk which had already undergone lactic-acid fermentation, and called attention to the probable relation of tyrotoxinon to cholera infantum and other kindred diseases. In July, 1886, he found this poison in a sample of milk which had evidently caused the symptoms of cholera infantum in a babe 7 months of age. In April, 1887, Dr. Stanton, the health officer of Cincinnati, demonstrated tyrotoxinon in poisonous cream puffs. Professor Vaughan's views on the relation of this poison and saprophytic germs to cholera infantum and the summer diarrheas in bottle-fed children, so well presented in his articles of acute and chronic milk infection, are gaining ground and will doubtless lead to a great reform in the management of dairies. Flügge (*Zeitschrift Hygiene*, July, 1894) found among the milk bacteria, especially those which are liable to resist the temperature of boiling, several varieties capable of evolving toxins, and Baginsky is also of the opinion that the intestinal disorders of infants are due to these poisonous products of germs.

#### ILLUSTRATIVE CASES OF POISONING BY MILK AND MILK PRODUCTS.

In 1866 Dr. Haschek reported the case of a woman who had taken about a pint of milk, and four hours afterwards was taken ill with violent pain in the stomach, frequent vomiting and purging, tympanitic abdomen, small and frequent pulse, cold skin, etc. This woman, in consequence of her condition, aborted and died forty-eight hours after taking the suspected milk. It was supposed that the milk would contain some acrid poison, but an analysis of both the milk and contents of the stomach failed to demonstrate the presence of an organic or inorganic poison, while the autopsy revealed congestion of the gastrointestinal mucosa and small pale erosions of the membrane near the pyloric extremity.

Dr. C. E. Hagner, of Washington, D. C., reports the history of a family wherein seven persons were attacked with vomiting and purging of a violent character, accompanied with a burning pain in the stomach and cramps in the bowels and extremities, with a weak pulse, cool skin, and bathed with profuse sweat. One patient was so weak she could hardly speak. While four out of the seven patients had eaten mince pie at 4 o'clock p. m., suspicion pointed to the milk, from the fact that all had taken milk at 9 o'clock p. m., and the first symptoms appeared about midnight.

The milk had been obtained from the dairy in a large can, from which it had been transferred into a small one, having a small mouth, rendering cleaning difficult. The analysis of the milk made at the Army Medical Museum showed nothing abnormal, except slight traces of salts of tin. All the patients recovered.

In December, 1881, Dr. Smyly was called to see three children who were suffering from severe abdominal pains, with fever, furred tongue, and gastric symptoms, such as are usually present in the earlier stage of enteric fever. As these children had taken uncooked milk, Dr. S. concluded that the fons et origo of their illness was the milk they had been using so liberally. Dr. Cameron, the health officer, was called to see the patients and found them exceedingly ill, and the youngest, a baby about a year old, appeared to be dying. He naturally examined the milk, and found the cream which had risen to the top presented a deep brown color. Upon inspection of the dairy, and pressing the milk vender for an explanation of the curious color of the cream, he was informed that a lad milked the cows early in the morning, without a light, and omitted to wash the teats of the cows before milking, and as some of the cows had lain all night in such a way that their udders were in contact with the manure, their teats were covered with filth, which naturally contaminated the milk. The chemical analysis of the milk showed it to be normal, as it contained water, 87.10 per cent; fats, 3.56; other solids, 9.34.

Microscopical examination, however, revealed the presence of cows' hair, minute particles of straw, and débris of organic matter, numerous monad, vibrios, and bacteroid bodies; the odor of the cream was slightly but distinctly unpleasant, and Dr. Cameron, while not a believer in the pythogenic theory of typhoid fever, thinks a disease closely resembling typhoid fever was apparently produced by the presence of decomposing animal matter in the milk drunk by the patients, who fortunately all recovered.

We know know, thanks to the labors of Professors Vaughan, Booker, and Jeffries, of our own country, and of Escherich and Baginsky, in Germany, that these symptoms are due to the presence of chemical poisons, evolved by one or more species of saprophytic germs.

The circumstances which led to the discovery and isolation of tyrotoxicon were as follows:

In 1883-84 about 300 persons were taken violently sick after eating cheese, with symptoms of vomiting, watery diarrhea, pain in the gastric region, tongue coated at first, afterwards red and dry, pulse soft and irregular, dryness of the mouth and throat with a sense of constriction, headache, sometimes double vision, and marked nervous prostration, symptoms closely resembling those of sausage, canned meat, and fish poisoning. Dr. Vaughan was requested by the State board of health of Michigan to ascertain the cause of this sickness, and while engaged in this work he discovered in the cheese a substance which he called tyrotoxicon, and which he believed to be a poison evolved by bacterial life.

In July, 1885, in an additional report to the State board of health on poisonous cheese, he calls attention to the fact that numerous instances of this kind have occurred in North German countries\* and in the United States, and that a few years ago the reputation of a large cheese factory in northern Ohio was ruined by the great number of cases of alarming illness from eating its cheese, which dairymen know as "sick" cheese, and quotes a German author, who says:

"The numerous kinds of soft cheese prepared in families or on small farms are generally the cause of the symptoms, while it is quite exceptional to hear of symptoms arising from the use of cheese prepared in large quantities."

\*Husemann in discussing poisonous cheese, states that intoxications of this character have been reported in the sixteenth century (Strappe). Hennemann in 1823 reported a series of cases; also Camerer in 1832; Hünefeld, Westrumb, Witting, Brück, and Fischer in 1836; Prollius in 1841; Lengebusch in 1846, and Zenker in 1850. These reports cover most of the cases which occurred in Germany and Russia.

The London Lancet of June 21, 1862, page 670, calls attention to 22 cases with 2 deaths among members of the Burley Rifles attributed to eating American cheese, which had "nothing peculiar in its outward characters or in its chemical composition," and concludes: "As experience is too dearly bought at the expense of an attack with choleraic symptoms, until chemists favor us with some more definite information on this subject we would advise an abstinence from decayed cheese in general, and from American cheese, in whatever condition, in particular."



This is at variance with Vaughan's experience, as the cheese previously referred to was made at one of the largest and best factories in the State.

Unfortunately poisonous cheese can not be distinguished in appearance from good cheese, and yet animals, probably due to an acuteness of the sense of smell, will select the good cheese; but Dr. Vaughan proposed a test, while not free from error, which is the most reliable ready means now known to detect the poisonous cheese, and every groceryman should apply this test to each fresh cheese which he cuts:

"Press a small strip of blue litmus paper against the freshly cut surface of the cheese. If the paper is reddened instantly and intensely the cheese may be regarded with suspicion. When treated in this way any green cheese will redden the litmus paper, but in wholesome cheese it will be produced slowly and the reddening will be slight."

In November, 1885, he isolated the same poison in a sample of milk which had been kept in a close-stoppered bottle for about six months. In June, 1886, he demonstrated its presence in poisonous ice cream and in milk which had already undergone lactic acid fermentation, and called attention to the probable relation of tyrotoxin to cholera infantum and kindred diseases. In July, 1886, he found this poison in a sample of milk which evidently had caused the symptoms of cholera infantum in a babe 7 months of age. He found that the child had been vomiting quite constantly for some three hours; it had also passed watery stools some six or seven times. The eyes were sunken, skin cold and clammy, and pulse rapid and small.

In August, 1886, Drs. Newton and Wallace reported that on the 7th of August 24 persons were taken sick after supper at one of the hotels at Long Branch and the same evening 19 persons were taken sick at another hotel. From one to four hours had elapsed between the last meal and the first appearance of symptoms, which were those of gastrointestinal irritation similar to poisoning by any irritating material, i. e., nausea, vomiting, cramps, and collapse; a few had diarrhea, while dryness of the throat and a burning sensation in the esophagus were prominent symptoms. Just one week after the first series of cases 30 persons were taken sick at another hotel with precisely the same symptoms as noted in the first outbreak. The physicians were enabled to eliminate all other articles of food, and, being familiar with Vaughan's discovery of tyrotoxin in cheese, naturally directed their attention to the milk, and were so fortunate as to demonstrate the presence of this poison in a sample obtained during the second outbreak. The authors also found that the cows were milked during the night and attribute the production of this poison to improper management of the milk, believing that if the milk had been cooled after it was drawn from the cows before being placed in the cans fermentation would not have ensued and the resulting material, tyrotoxin, would not have been produced.

In April, 1887, Dr. Stanton, the health officer of Cincinnati, reported several cases of poisoning by tyrotoxin in cream puffs. In the 13 patients who had eaten puffs from a particular bakery there were in most of them, in from one to three or four hours after partaking of the puffs, symptoms of nausea, followed soon by vomiting and later by purging. In some cases these symptoms were persistent. There was in all a sense of burning in the throat, stomach, and bowels, and great thirst, with headache in the severer cases. Tyrotoxin was actually isolated from some of the cream puffs.

## SECTION 2.

### MILK MAY BE RENDERED UNFIT FOR USE BY IMPROPER FOOD AND CARE OF THE ANIMAL.

The disease described as milk sickness or trembles by some American writers, and characterized by great weakness, constipation, vomiting, fetor of breath, and muscular twitchings, is believed to be due to cows feeding on *Rhus toxicodendron*. The evidence on this subject is, however, conflicting. Cases of diarrhea, and even severe forms of gastroenteritis, have been traced by Sonnenberger, Ratti, and Mackay to the milk of cows and goats feeding upon meadow saffron and euphorbiaceous plants. The milk of animals fed on carrot and turnip tops and often from the first spring pasture is changed in an unaccountable manner, and has frequently caused vomiting and diarrhea in hand-fed children. Husemann regards among the meadow plants apart from different species of *Euphorbia* and *Ranunculus*, also the *Gratiola officinalis*, *Aethusa Cynapium* or fool's parsley, *Cytisus ramentaceus*, and different varieties of sorrel and mushrooms especially objectionable.

The milk of swill-fed animals has often a peculiar taste and odor, and is said to cause hyperacidity of the urine and consequent eczema. M. Toussaint called attention to the fact that in the district of Argenteuil deaths from gastrointestinal diseases

have increased in frequency among bottle-fed children since the establishment of a large distillery, the cows being fed on brewers' grain and other distillery products, and the milk presented an acid reaction. But this acidity is by no means constant, as Uffellmann and Ohlsen have often found it alkaline. Ostertag states that the milk of animals fed with expressed sugar beets is destructive to calves on account of the excess of potassium, and hence objectionable for human consumption. Bollinger reports injurious effects from castor-oil cakes, and Schmidt-Mühlheim attributes diarrheal attacks to the admixture of wild mustard in the rape-seed-oil cakes fed to cows. Colah quotes Herkemer as saying that cows having inhaled the putrid emanations of a dead and decomposing cow yielded a milk quite unfit for making cheese, and Mr. Smee, quoted by the same writer, asserts that "the milk of cows fed on sewage farms rapidly putrefies." It is quite true that cows, whenever an opportunity affords, feed greedily upon animal and human ordure, and an impure water supply for cattle has frequently been accused of causing an epidemic of milk typhoid. While this connection is not proven, it will be readily understood how the udder can become infected while the animal is wading in filth and polluted streams. Dr. J. H. Warren in 1880 called attention to the cow pastures in the vicinity of Boston, where the grass is reeking with sewage filth and sediment washed there by the tide, and that this condition might be the means of conveying disease through the medium of the milk. All of which clearly indicates the necessity for sanitary control of dairies, enforced cleanliness in milking, and the proper care and feeding of the animals.

### SECTION 3.

#### MILK MAY ACQUIRE INJURIOUS PROPERTIES WHILE THE ANIMALS ARE BEING TREATED.

This is true of the following substances, which have been eliminated in the milk, viz: Arsenic, lead, iodine, copper, mercury, tartar emetic, carbolic acid, opium and morphine, colchicum, and euphorbium. Dr. James Law reports an extensive outbreak of ergotism among animals, affecting also calves, presumably through the milk; and Baum refers to salicylic acid, atrophia, veratrum, strychnine, croton oil, aloes, senna, and turpentine as likely to affect the milk.

(a) *Arsenic*.—There are no cases on record to show that the milk of animals under the influence of arsenic has produced toxic symptoms in man, but the fact that it is eliminated in the milk has been demonstrated by Orfila as early as 1829, also by Roussin, Dunger, Cambessedé, Hertwig, and others. The last-mentioned author found it in the milk within eight hours after administration, and it continued to be excreted twenty-one days after the last dose, all of which, as Baum properly insists, suggest the possibility of harm to infants, especially in the vicinity of reduction works, where animals have been known to contract symptoms of chronic arsenical poisoning by feeding on pastures in the vicinity of such smelters. Hertwig and Mulder, according to Husemann, demonstrated the presence of arsenic in the milk of animals in which it had been employed simply in the form of a wash as an insecticide.

*Lead*.—While Hertwig and Erdmann were unable to demonstrate the presence of this substance in the milk of an animal who had taken large doses of the acetate, Gerlach reports the poisoning of twelve cows who had been pastured on ground previously manured with the refuse from lead works, and the mineral was actually demonstrated in the milk of two of the animals. Stempel and Bosscher report the presence of both lead and copper in the milk of four cows who had accidentally eaten some dry oil paint and died from the effects. Taylor has conclusively shown that the lead contained in the refuse from lead works, when used as a fertilizer, may be taken up by plants and cause symptoms of poisoning in the animals feeding upon them; and Herz has proved that the milk of animals suffering from lead poisoning may prove toxic to the calf.

*Iodine*.—Peligot as early as 1835 demonstrated the presence of iodine in the milk, which has been confirmed by Wöhler, Harnier, Labourdette, Dumesnil, and more recently by Stumpf and Luzansky, who found it in both human and goat milk. Indeed, the presence of iodine was demonstrated in the urine of an infant 5 months old the morning following the administration of 1 gram of potassium iodide the day before to a syphilitic mother.

*Copper*.—Hertwig failed to demonstrate the presence of this substance in the milk after the exhibition of large doses of the salts of copper. Gerlach, however, reports an instance where a goat fed with sour milk from a copper vessel sickened three days after and died. The milk from this animal even the day before her illness caused symptoms of nausea, vomiting, headache, and pains in the limbs among fifteen or sixteen consumers. Flandin demonstrated copper in some milk without being able to trace it to its source.

*Mercury.*—Vervier and Heppener have demonstrated mercury in the milk of animals even after the external application of blue ointment. Nothnagel and Klink also found it in human milk while the mothers were treated, respectively, with mercurial suppositories and inunctions.

*Antimony.*—Carsten Harms demonstrated its presence in the milk of a cow who had received the day before 46 grams of tartar emetic. This milk fed to goats and dogs induced violent diarrhea and paralysis of the sphincter ani muscles. Baum in his experiments was unable to verify these results, but it is generally held that antimony passes readily into mothers' milk and should be given with great caution. Lewald in 1857 demonstrated that mercury, zinc, lead, iron, antimony, bismuth, and arsenic are excreted in the milk.

*Carbolic acid.*—Feser and Siedamgrotzky have shown that it may be eliminated in the milk, and Baum refers to an instance where the milk of twelve cows that remained in a close stable while it was being disinfected with carbolated lime caused vomiting in all the consumers.

*Opium and morphine.*—There was no cases of poisoning from cows' milk, but the frequent cases of opium poisoning in nursing infants appear to render this possible. Fubini, Scherer, Paladino, Hawthorn, and Gorup Besanez have reported cases. The latter cites an instance where the infant fell into a sleep lasting forty-three hours after the administration of 20 drops of laudanum to the mother. Herrmann has shown that morphine is found in the milk a few hours after administration and continues to be excreted for several days.

*Colchicum.*—Marx and Sonnenberger have demonstrated the presence of colchicine in the milk of animals, which had induced symptoms of cholera infantum in children. Ratti reports a number of cases of poisoning produced by drinking the milk of goats that had been feeding upon pastures with meadow saffron, and colchicine was demonstrated not only in the milk, but also in the vomited matter of the patients; the symptoms were those of cholera morbus.

*Euphorbium.*—Dr. A. E. Mackay reports that on November 27, 1861, ten or eleven ward-room officers of the *Marlborough* were suddenly seized with extreme faintness, nausea, violent bilious vomiting, and diarrhea, and all had taken goat's milk from the island of Malta. The goats feed greedily upon the *Euphorbia helioscopia* (sun spurge) and *Euphorbia paralias* (sea spurge) which impart poisonous properties to the milk, and this fact appears to be generally recognized among the Maltese of all classes.

*Cytisus laburnum.*—Cornevin has demonstrated the poisonous properties in the milk of animals which feed upon it.

*Veratrin.*—Apart from a number of older authorities who refer to the fact that the consumption of hellebore by cows affected the milk, Schmidt reports a striking case. A cow was treated for indigestion and received for five days  $4\frac{1}{2}$  grams daily of veratrum album. On the sixth day the owner concluded to butcher the animal, and the udder, after being sliced and fried, was consumed by the family as a German delicacy. Shortly after the meal the members who had eaten this mess were taken sick with nausea and vomiting.

*Salicylic acid.*—Stumpf has demonstrated traces of this acid in cows as well as human milk.

*Atropin* has been demonstrated in the milk by Feser and Siedamgrotzky. Cases of poisoning are therefore not among the impossibilities. Belladonna, strychnine, senna, rhubarb, scummony, sulphur, castor oil, ammonia salts, turpentine, copaiba, anise, dill, garlic, wormwood, jalap, croton oil, have all been known to pass into the milk at periods varying from a few hours to a few days after their administration, and continued to be excreted for a few days after the drugs had been withheld.

(b) *Venomous poison in milk.*—Dr. Francis reports a remarkable case of this kind, the details of which were furnished him by Dr. Tayrer, of Eastern Bengal, and for the sake of completeness are herewith presented.

In July, 1868, a fine goat was milked at 7 a. m. The udder and teats were unusually distended and hard to milk. At breakfast a boy 3 years old drank a cupful of this milk, and three-quarters of an hour afterwards the child began to vomit, which continued at frequent intervals. When seen the complexion had become yellowish, with dark rings around the eyes and anxious expression. At 2 p. m. diarrhea supervened and the violent symptoms continued until about 4 p. m. The mother and a friend who had also partaken of the goat's milk were attacked with similar symptoms, while other members of the family, who had used only cow's milk or no milk at all, remained well. At 10.30 a. m., suspicion having pointed to the goat, examination revealed the mark of a bite, like that from the poison fangs of a snake, on one of the teats close to the extremity. The udder was very much inflamed and the animal was very sick. At noon a frothy foam exuded from her mouth, and about 2 p. m. she

died. Dr. Francis says that this case confirms the evidence of two intelligent and trustworthy natives of Calcutta, tending to show that the milk of an animal bitten by poisonous serpents would convey the venom.

#### SECTION 4.

##### MILK ITSELF MAY BE MORBID AS THE PRODUCT OF A DISEASED ANIMAL.

(a) *Inflammatory conditions of the udder and teats (garget).*—There is an abundance of evidence to show that cows frequently suffer from various degrees of mammitis and other septic processes of this secreting organ. It is obvious that the character and composition of the milk in such instances is changed, and apart from the disgusting admixture of pus, may prove dangerous by the transmission of septic germs, such as the various forms of streptococci and the staphylococci, which have actually been demonstrated in such milk by Krüger, Nocard, and Mollerau, Kitt, Bang, and others, and we know from Löffler's experiments that milk also offers a suitable culture medium for such germs.

Professor Brown, quoted by Shirley Murphy, in speaking of a communicable udder disease of the cow, said:

"Whatever the disease really might be, it was at least certain that the milk of cows suffering from it was contaminated with pus and other morbid products which might very well be responsible for human disease, for infantile diarrhea, for instance. The condition of the milk can be judged best from the remark of a dairy boy, who said: 'They could not drink the milk themselves and had sent it to London, but they hoped the poor people there would not suffer.'"

Dr. James Niven, health officer of Manchester, describes in the London Lancet, January 19, 1895, page 145, an epidemic affecting 160 consumers of a particular milk supply with symptoms of diarrhea, sickness, and abdominal pains. The milk had an odor resembling that of sweet pus, and examination revealed the presence of streptococci and a microbe having the characters of the bacillus coli communis. A searching inquiry at the farm resulted in the admission of the farmer that he had sold a cow on November 8 because she was suffering with garget, and that her milk had been mixed with the other supply. A similar milk infection was reported by Dr. Boxall in a recent number of the London Lancet.

As a matter of fact, many of the epidemics of scarlet fever and diphtheria in Great Britain have been attributed to a milk supply from animals suffering with local affections of the teats and udder. Thus, for instance, in November and December, 1885, an epidemic appeared at Marylebone, St. Pancras, and Hampstead, which Mr. W. H. Power, the sanitary inspector, traced to a particular milk farm at Hendon, but could discover no sign of scarlet fever at or near the dairy. Upon examination of the cows some of them were suffering from an ulcerative disease of the teats and udders, and from various other circumstances he inclined to the belief of the bovine origin of this disease.

This opinion was shared by the late Sir George Buchanan, and as medical officer of the local government board he requested Dr. Klein to make an examination of the disease observed among the milch cows at Hendon. Dr. Klein found certain micrococci in the diseased tissues and organs of these cows and in the discharge from their teats, and succeeded in growing these in a variety of culture media. Inoculation of calves with this material, whether from cultures or direct from the cow, produced a disease having unmistakable affinities both with the Hendon disease and human scarlatina.

Klein found this microbe to inhabit the tissues and organs both of the human scarlatina patient and of the Hendon cow, and declared that we need no longer hesitate to call it the "micrococcus scarlatinae." In 1887 Dr. Thin pointed out that at the time of the Hendon disease other herds were similarly attacked, but no outbreaks of scarlet fever had occurred among the consumers of the milk, but as some of the milkers had pimples and sores on their hands he believed the Hendon disease to have been cowpox, and that the scarlet fever epidemic may have originated in a laundry where some of the Hendon dairy hands lived. Professor Crookshank in 1887 and 1888 opposed Klein's theory, and maintained that the microbe was simply the streptococcus pyogenes, and subsequently Professor Brown presented an array of facts also adverse to the conclusions of Klein and Power. One of his strongest points was Professor Axe's statement that scarlet fever had existed in the vicinity of Hendon and hence the possibility of human infection being conveyed to the dairy farm.

In the outbreak at Garnethill, Glasgow, in March, 1888, Dr. Russell found in two cows indications of disease. One of the animals was thin and mangy looking, casting

hair and shedding scarf skin; the teats had several sores covered with bloody scabs. Two of these cattle were removed to the veterinary college, where a calf fed on the infectious milk developed severe febrile symptoms, and in recovering it lost hair and showed other indications of desquamation. (See also Professor Davies's excellent article.) While there is no positive proof that there is a disease in the cow which is communicable, as scarlet fever or diphtheria to man, there is nothing strained in the assumption that in these debatable instances, and in all the epidemics marked with an asterisk (\*), i. e., in 30 out of 100 epidemics of scarlet fever and diphtheria tabulated by us, we are dealing with a streptococcus or staphylococcus infection, and it will often be impossible to differentiate clinically such attacks from true diphtheria and scarlet fever.

This entire question is by no means settled, but is one that merits the most searching investigation by pathologists and bacteriologists of medical and veterinary schools.

Apart from corroborative evidence found in a large number of these epidemics, Dr. J. Fagan, in 1869, reports a case of pseudomembranous stomatitis produced by the milk of a cow with inflamed udder, and Dr. Cotterill's Epidemics of a Febrile Sore Throat, published in September, 1888, which appeared to be neither scarlet fever nor diphtheria, but were caused by the milk from cows which had an eruptive disease on the teats and udders. In addition to Klein's testimony as to the presence of a streptococcus in these cases, Prudden reports 24 cases of diphtheria, in which in all but two he demonstrated a streptococcus, probably identical with the streptococcus pyogenes and streptococcus erysipelatosus. Baginsky (Berliner klin. Wochenschrift, 1892, No. 9, p. 183) reports that of 154 cases of diphtheria treated under his supervision in 118 cases Löffler's bacillus was present, while in the remaining 36 only cocci (staphylococci and streptococci) could be demonstrated.

When we further consider that toxines may and do produce a scarlatinous exanthem, we feel fully warranted in declaring that in all the epidemics of scarlet fever and diphtheria which were traced to milk from cows suffering with some inflammatory lesions of the udder or from puerperal fever, we have typical instances of a streptococcus and staphylococcus infection, and we thus offer for the first time, as far as we know, a rational explanation of a question which has engendered so much heart-burnings among English pathologists.

*Clinical evidence.*—The following additional facts are adduced in support of the foregoing conclusion. Gullebeau (Landw. Jahrb. Schweiz, 1892, p. 27) made an examination of the milk of 76 cows suffering from udder inflammation. In all cases he found the milk contaminated with pyogenic germs, and experiments convinced him that they were pathogenic in so far as they produced similar inflammation when inoculated in healthy animals. Adametz, Macé, and Hueppe observed several kinds of pus-producing germ, under similar conditions, which multiplied to such an extent in the milk that the gases caused the cheese to "heave."

The following case is of special interest, as the history was published long before we knew anything of septic germs:

In 1869 Dr. J. Fagan described a case of pseudomembranous stomatitis produced by the milk of a cow with inflamed udder.

He was called to see a healthy boy 2 years old on January 12, 1869; lips swollen; aphthous ulcer on the inner aspect of the lips and on the roof of the mouth; the tongue, all but the extreme tip, was covered with a creamy deposit; submaxillary glands slightly swollen, some dribbling from the mouth; pulse accelerated; skin hot, and child suffered from great thirst. On the 13th and 14th there was an exacerbation of all the symptoms, and on the 15th he began to show signs of improvement.

On inquiry Dr. Fagan was informed by the mother that for some time past she had noticed a sediment of a dirty appearance in the bottom of the vessel where the milk was kept, and she began to think that might be the cause.

Microscopic examination of this sediment revealed corpuscles of both pus and blood, and on making further inquiry it was found that the cow had suffered from inflammation of the udder, which had at that time formed an abscess.

Dr. J. M. Cotterill read a paper before the Medico-Chirurg. Society of Edinburgh, giving the history of two epidemics of sore throat occurring at Fettes College. The first began in October, 1886, and comprised 50 cases; the second a year later, and comprised 84 cases.

The symptoms of the disease were as follows:

"When first seen the patient (all boys) was generally out of sorts, complaining of headache, want of appetite, and lassitude; occasionally there was sickness or nose bleeding; in most cases a furred tongue, foul breath, and other symptoms of gastric disturbance. The tonsils and posterior wall of the pharynx were bright red, with considerable swelling of the mucous membrane. The uvula and soft palate

were also congested, but in no case was there any membranous deposit on these parts. Upon the tonsils and walls of the pharynx, however, there were always follicular exudations, and sometimes a considerable patch of deposit on the tonsils, which were often much swollen and deeply fissured. These patches could always be easily removed. Albuminuria was very infrequent. The disease usually lasted about seven days in its acute stage. A peculiar symptom was the implication of the uppermost of the chain of lymphatic glands behind the sternomastoid. This always happened several days after convalescence had commenced. There would be a large, brawny swelling in the neck, which in every case subsided slowly, without suppuration." \* \* \*

Dr. Cotterill had the drains of the college dairy examined and, as slight defects were found, the disease was thought to be due to this cause. While these defects were being remedied the milk given to the boys was boiled, and four days after this practice began the epidemic stopped suddenly and did not appear again for some three weeks, when, upon the milk being given unboiled, the cases began again. Meantime the cows had been inspected by Professor Williams, and two of them had been certified to be suffering from variola vaccinia in its later stages. Dr. MacFadyen is quoted by Klein as saying that the eruption observed by him in these cows differed in every important respect from that of true cowpox.

Dr. Cotterill was not able to convince himself that this sore throat was contagious, for when the milk was boiled affected boys were going about freely among their fellows, but did not seem to disseminate the disease, nor did the disease affect groups of boys who were specially thrown in contact with one another. The chief points presented in his paper are summarized as follows: (1) That this form of sore throat, while presenting certain points of resemblance to follicular pharyngitis and to diphtheria, was absolutely distinct from both and was a form of disease not usually recognized nor described; (2) that it was due to the milk supply; (3) that it was possibly due to some form of vesicular disease in the teat of the cow; (4) that an almost absolute immunity from a second attack was obtained by a first attack.

Dr. E. F. Brush in 1882 made an experiment on his own cow by bruising a quarter of the udder, thus producing traumatic garget, a condition which he considers very frequently induced in cows on pasture by running against stumps, etc. He found the milk for a number of days stringy, lumpy, and puslike, but always alkaline, while the milk from the three unaffected quarters was decidedly acid. After four days he gave his own child, 16 months old, 4 ounces of this acid but otherwise normal appearing milk at 5 o'clock p. m. The child fell asleep, but in two hours awakened, crying, apparently, with stomach ache, and was kept awake till past midnight, during which time a large quantity of acid was voided per rectum. The next day the bowels were slightly disturbed and the doctor asks, "What would be the condition of the child had it been fed continuously on such milk?"

Mr. H. O. Hall, the courteous clerk in charge of the reading room of the library of the Surgeon General's Office, having been personally interested in the study of the milk supply as a member of the Sanitary League, has called our attention to Fleming's work on Animal Plagues from B. C. 1419 to A. D. 1800, and to the epidemics there cited, showing that certain diseases in the lower animals are coexistent with or precede or follow similar epidemics in the human species.

He was also justly impressed with the almost total absence of scarlet fever in countries like Japan, where milk is seldom used except as a medicine, and after reading Dr. Ashmead's article on the absence of cows' milk from Japan and its beneficial consequences as shown by the absence of rachitism, he looked up the death rate of children under 1 year of age in Japan as compared with Washington, D. C., and found that in the city of Tokio (1,545,726 population) the death rate per 100,000 was 535, while in this city (260,000 population) the death rate per 100,000 of children under 1 year of age for 1892 was white, 277; colored, 326; total, 603.

We have verified the statistics, and these figures, together with the fact that in Japan milk, being an animal product, falls under the general condemnation, and that the women, in consequence, exercise the function of true motherhood, are submitted as extremely suggestive.

(b) *Gastroenteric diseases*.—It has long been held that the milk of cows suffering from digestive derangements is of an abnormal character, and, according to Siedamgrotzky, Fröhner, and Brauer, it is usually quiet watery, of a bitter taste, and generally coagulates within six to eight hours after milking, with the formation of very little acid, so-called "sweet curdling." When we remember that if nursing mothers indulge freely in fresh fruit and green vegetables their milk is apt to gripe and purge their infants, we can appreciate how cows' milk, under the above circumstances, may produce mischief.

*Acute specific enteritis*.—Professor Gaffky has reported several cases which he traced to the milk of an animal suffering from this disease and demonstrated a characteristic

organism in the animal as well as in his human patients. He also referred to an epidemic of gastroenteritis reported by Professor Huseman which prevailed in 1888 at Christiana and within three weeks affected over 6,000 persons, but sparing infants at the breast, and concludes, from his own observation and the smaller epidemics which preceded the extensive outbreak, together with the fact that the bacteriological examination at Christiana revealed a similar organism, that the germs of "infectious enteritis" may be conveyed in milk. Indeed, it is quite possible that some of the epidemics of typhoid fever with an atypical course and indicated by † are infections of this character.

(c) *Fever, especially puerperal and other septic fevers.*—The milk of animals suffering from febrile diseases is unfit for use. This is especially true of the puerperal and other septic fevers, in which Karlinski, Escherich, Longard, and Adametz have demonstrated the presence of the micrococcus pyogenes aureus in milk, the last-named author in a sample which had induced vomiting and diarrhea, and there is reason for believing that the germs of septicaemia neonatorum are in many instances conveyed in the milk, since Escherich, who examined 13 specimens of milk from mothers suffering from puerperal fever, found the pyogenic germs in 12, and Karlinski not only demonstrated the staphylococci in the milk of the mother, but also in the blood and intestinal contents of the infected infant.

(d) *Foot and mouth disease (eczema epizootica).*—The milk from animals suffering from this disease is unfit for use, and many epidemics of stomatitis aphthosa or aphthous fever have been reported. According to Dr. Salmon, of the Bureau of Animal Industry, this epizootic does not now prevail in the United States, the last cases having occurred in Maine about eleven years ago. There is, of course, danger from a return of the disease at any time, which annually affects about 10 per cent of the cattle in Europe.

According to Baum, our knowledge as to the transmission of the virus through the milk dates back as far as 1764, when Sagar reported instances where the consumption of such a milk had induced throat affections, characterized by increased heat in the mouth and pharynx, followed by the formation of aphthous ulcers. Fagar and Plenk refer to similar observations made in 1765, and Erdt in 1838 reports a large number of cases of "aphthous fever," which were caused by infected milk, the epizootic being especially severe in Germany during that year. Hertwig in 1834, with two other physicians, drank for several days a quart of milk taken fresh from a cow suffering with the disease. At the expiration of forty-eight hours he experienced slight fever, with pain in the limbs and headache, a dry and hot mouth, and an itching sensation in the hands, and especially the fingers. These symptoms lasted about five days, when the mucous membrane of the mouth and tongue became extremely swollen, with the formation of blisters along the edges of the tongue and the inner surface of the lips and cheeks. The blisters were about as large as a millet seed, and filled with cloudy, whitish fluid, and after evacuation of their contents with a needle they filled up again.

In the course of a few days the vesicles ruptured, and after exfoliation of the epithelium presented dark-red and rather slowly healing ulcers, which caused more or less of a burning pain in the mouth, especially in talking, mastication, and deglutition. Simultaneously with the appearance of the blisters in the buccal cavity there was a crop on the hands and fingers in Dr. Hertwig, but not in the other two experimenters. These ulcers required a much longer time to heal than those of the mouth, which got well in the course of ten days.

Haarstick and Guilmot describe similar cases, and Königsfeld's cases would indicate that milk from this source, even if boiled, may prove infectious.

In addition to numerous epidemics, we have evidence to show that the virus may be conveyed in butter (Schneider and Fröhner), and Herberger reports an instance where sour milk (cottage cheese) was the source of infection. The subject of aphthous fever has lately engrossed the attention of the Berlin Medical Society, on account of its extensive prevalence in the suburbs and its spread to the city.

Dr. Siegel, who has made a special study and isolated a bacillus which he considers the essential cause, believes the period of incubation to be from eight to ten days. The patients are then seized with shivering, giddiness, and inclination to vomit. Many of the patients become hoarse, the skin assumes a yellowish-gray color, and as a rule there is obstinate constipation. After this stage, lasting from three to eight days, there is usually swelling of the tongue and gums, sometimes alarming; also loosening of the teeth, intense fetor of the breath, and little blisters appear on the tongue, lips, and the skin of the legs. The blisters in the mouth soon break and form small ulcers; those on the legs are often so close set that they resemble the eruption of measles, sometimes pemphigus, and may even form large ulcers. At times there is hemorrhage from the gums, tongue, and stomach. Dr. Siegel had 6 deaths in 400

cases, and while he believes the disease is transmitted in the milk, he has not found his bacillus in it.

Mr. E. Hart described an epidemic at Aberdeen, affecting about three hundred persons with rigors, fever, tonsilar enlargement, and swollen cervical glands. The boys at the reformatory school, whence the milk came, receiving only skimmed milk, entirely escaped. The water supply of the dairy was bad, but no explanation of the epidemic was given. The symptoms resembled the outbreak at Dover in 1884, affecting in one week 205 cases, all supplied with milk from one dairy, the cows at one of the farms suffering from foot-and-mouth disease. Baum refers to a number of instances where the infection was conveyed in the milk.

(e) *Cowpox*.—The milk of animals suffering with this disease is believed to have caused two epidemics of a peculiar type of sore throat in a boys' college at Edinburgh in 1886 and 1887. (See Dr. Cotterill's notes.) While Drs. Williams and Woodhead may have erred, as is claimed in the diagnosis of cowpox, there is no good reason why the milk from such animals should not prove infectious.

(f) *Anthrax*.—The milk of animals infected with anthrax is unfit for use, because Feser, Manotzkoff, Nocard, and others have actually demonstrated the bacillus anthracis in the milk, and if infection has not more frequently taken place it is because the secretion is arrested in the very first stage of the disease. Heusinger, however, refers to an instance which occurred in the daughter of a plantation owner, in 1795, at Barbados, who drank one morning most of the milk from a cow suffering with anthrax. Four days afterwards the child presented symptoms of the disease. A carbuncle also appeared on the left arm. Of course, the direct transmission through the milk, although probable, has not been proven; still, there can be no question as to the objectionable character of the milk. Anthrax is believed by Dr. Sternberg and the officers of the Bureau of Animal Industry not to exist in the United States, or, if it does, to be extremely rare.

The disease may reappear, however, and Dr. Bard refers to the ravages of the bacillus anthracis in California, and quite recently the disease is reported as prevailing in epidemic form among some dairy herds in New Jersey and near St. Louis. Heusinger mentions a number of instances, reported by Renault and Mousis, where the consumption of milk from animals with anthrax failed to produce the disease, but there are infinitely more cases on record tending to show the infectious character of the milk (Lappe, Gohier, Desplas), and sad experience had evidently prompted the enactment of stringent laws against the sale of such milk.

Ramazini, quoted by Heusinger, informs us that during the anthrax epizootic at Venice, in 1599, the sale of meat, milk, butter, and fresh cheese was prohibited by a death penalty. During a similar epidemic in Hanover, in 1732, the milk was described in a sanitary order as yellow-red, or at least streaked that way, and ordered to be thrown away. A similar rule was enforced at Frankfort in 1776 under the penalty of corporal punishment, and one of the Prussian health edicts published in 1819 prohibits the sale of such milk, and refers to a case of anthrax in the person of a woman at Spandau, who died from the effects of infected milk.

(g) *Pleuro-pneumonia*.—It is claimed that the milk of animals suffering from this disease may convey the germs, and Lécuyer, Schüppel, Jürgensen, and others have actually reported a number of transmissions, but the question is by no means settled. Fortunately, the disease has been stamped out in the United States; at least Dr. Salmon informs us that there has not been a case reported for some years.

Dr. G. W. Wigner reports an outbreak of fever which had occurred in 1878, and was supposed to be due to the milk. The sample received for examination March 19 had a decided tinge of blood visible even through the tinted glass of the common medicine bottle in which it was contained. The microscopic examination revealed a large number of pus corpuscles, pieces of epithelial matter, and other animal débris tinged with blood disks. The chemical examination revealed nothing abnormal. On the 22d of March a veterinary surgeon saw the suspected cow, which he said was suffering from pleuro-pneumonia, and it was consequently killed; but as there was no post-mortem examination, it is not possible to say whether there was any disease of the udder or not.

Wiedemann, quoted by Würzburg, reports the case of two infants who perished from pneumonia, which he attributed to the infectious character of the milk; but as the disease prevailed extensively, and it was shown that the same milk was consumed by another child without causing disease, the evidence seems quite incomplete. Nevertheless both Schüppel and Jürgensen, who saw these children, were disposed to regard them as instances of transmission through the milk supply. Lécuyer reports two fatal cases in children, and since Nolen and Poels had demonstrated in cases of pleuro-pneumonia in cattle an organism similar to Friedländers' pneumococcus, he felt justified in assuming such a transmission.



Randon also reports two fatal cases, and concludes, because another child in the same family who stoutly refused to drink the questionable milk and remained well, that infection had been conveyed in the milk.

We confess that none of these cases amount to proof, and at best simply indicate the exclusion of the milk from animals suffering from pleuropneumonia from the market.

(h) *Rabies and tetanus*.—There has always been considerable diversity of opinion as to the infectious qualities of milk from animals suffering from rabies. In olden times the consumption of such milk was regarded as dangerous, and Faber refers to a few instances of transmission of the disease in human milk, which all date back to the last century. Feeding experiments have proved in the majority of instances negative, and Hertwig, Bollinger, Reder, Fröhner, and others conclude from them that there was no danger from this source.

Since Pasteur pointed out, however, that the mammary glands were among the organs selected for the deposition of the virus, there has been a renewed interest in the subject, and Nocard has experimentally proven that the virus may be conveyed in the milk. Burdach also determined, in the Pasteur Institute, that the milk of a woman bitten by a rabid wolf proved infectious to rabbits and guinea pigs, but was quite harmless to the child. This question remains unsettled, as the accidental admixture of virus outside of the body in the Pasteur Institute is not excluded, but all authors agree that cows may suffer from hydrophobia, and that the milk should not be used. It is not improbable that the milk of animals suffering from tetanus contains some of the specific bacterial products, but it seems almost inconceivable that animals suffering from these affections should be milked at all.

(i) *Tuberculosis*.—When it is remembered that one-seventh of all the deaths are due to tuberculosis, and that the identity of bovine and human tuberculosis has been settled beyond question, we need not wonder that much attention has been given to the study of milk from tuberculous cows.

Ostertag gives the percentage of tubercular animals in 1885 at the abattoir at Leipsic, 15 per cent; at Stolp, 20.7 per cent; Bromberg, 26.2 per cent; while that for the Berlin abattoirs is much higher; indeed 53.7 per cent of the old fattened milch cows presented tubercular lesions of the bronchial and mediastinal glands. According to Rieck, of 87,077 cattle slaughtered at Leipsic during the years 1888–1891, 20.4 per cent were found to be tubercular, and about 3.6 per cent of the tubercular animals in Saxony present lesions of the udder.

Dr. H. C. Ernst presents evidence from 39 veterinarians, representing 17 States, most of them reporting for one year only, which indicates that there were 549 cases of tuberculosis and 242 suspicious cases, a total of 791 among 165 herds, representing about 3,000 animals, i. e., 18 per cent of positively tubercular animals, and over 8 per cent of suspicious cases, a total of about 26 per cent; and, according to De Schweinitz, in many cases from 50 to 70 per cent of the dairy herds were found to be infected, and in one of these the veterinarian had reported that fully 50 per cent of the diseased animals had tuberculosis of the udder. The English and Danish statistics also show an alarming prevalence among the dairy herds.

The possibility of the presence of tubercle bacilli in the milk of animals was pointed out first by Virchow and by Koch as early as 1882, and subsequently the bacilli have been demonstrated by Bang, John, Bollinger, Ernst, Woodhead, and MacFadyen, and many others, in the milk of animals in which the udder was also the seat of the lesion, and for sometime it was doubted whether the milk from a cow is virulent unless the udder is the seat of tuberculous deposits. In the report of the royal commission on tuberculosis presented to Parliament April 23, 1895, Dr. Martin,<sup>b</sup> from his experiments, finds that milk was infective only when the udder was itself the seat of tuberculous disease, and this is also the conclusion reached by Nocard.

<sup>a</sup> While it is of course possible for milk to be contaminated with the sputum or tubercular matter of consumptives, we are considering here the transmission of the germs from the animal to man through the medium of milk.

<sup>b</sup> Dr. Martin's experiments on this point were briefly as follows:

(a) Eight tuberculous cows with healthy udders; no tubercle bacilli found in the milk of any of them; 41 test animals fed and 28 inoculated with the milk remained free from the disease.

(b) Two tuberculous cows with udder disease found after death not to be tuberculous; no tubercle bacilli in the milk; 3 test animals fed and 4 inoculated with the milk remained free from tuberculosis.

(c) Five tuberculous cows with udder disease found after death to be of tuberculous nature; tubercle bacilli found in the milk of 3; 15 test animals fed with the milk and 13 inoculated with the milk of these 3 cows all acquired tuberculous disease. Of the other 2 cows the milk from 1 produced tuberculosis in 4 out of 10 test animals fed on it, and when inoculated into 6 other animals produced tuberculosis in all. The milk of the fifth cow did not produce tuberculosis in 2 animals to which it was given as food, but did produce it in 2 others into which it was inoculated.

(d) In 2 cows with udder disease, in which the veterinary diagnosis of tuberculosis was made, but which were found after death not to have tuberculous disease, no tubercle bacilli were found in the milk, and no resulting tuberculosis was observed in 17 animals inoculated with the milk.

Dr. Woodhead, in the same report, however, calls attention to the rapidity with which the udder disease may spread and considers the very absence of any definite sign in the earlier stage as one of the greatest changes of this condition. Both Drs. Martin and Woodhead insist that no tuberculous animal of any kind should be allowed to remain in a dairy, and recommend as a preventive measure the simple expedient of putting every suspected milk over the fire and taking it off when it boils.

The experience of the royal commissioners is quite different in some respects from that of Ernst, whose preliminary work in 1889 led him to declare emphatically that the milk from cows affected with tuberculosis in any part of the body may contain the virus of the disease, and that the virus is present, whether there is disease of the udder or not. In 1893 Theobald Smith, from a number of experimental observations, finds that tubercle bacilli may be present in the milk of tuberculous cows when the udder, so far as the naked eye could tell, contained no foci of disease, and the results presented by Ernst in his recent and final report\* on the infectiousness of milk appear fully to justify his former conclusions, which are moreover supported by the investigations of Bang, May, Stein, and Hirschberger, the latter being also the first to point out that the inoculation experiments are the more certain guide as to whether the milk is infectious or not, as he obtained positive results from milk of undoubted tuberculous animals, in which he was unable to demonstrate the presence of tubercle bacilli. Indeed, evidence has been furnished by Galtier that the infectious properties may also be conveyed in the butter, cheese, and other milk products of tuberculous cows.

The general results of inoculation experiments would seem to indicate that milk may prove infectious in 60 to 70 per cent of the cases; that the infectious qualities are greatest with milk from animals with udder lesions, and next from those affected with general tuberculosis. The feeding experiments of Bang, Bollinger, Lucas and Morro, Utz, Johne, Klebs, Kruckow, Ernst, Baumgarten, Fischer, and Wesener with tuberculous milk proved infectious in about 45 to 50 per cent of the cases.

When we recall the fact that the last three observers in their feeding experiments were especially impressed with the resulting tuberculous lesions of the intestinal mucosa, mesenteric glands, and liver; when we next consider the large mortality of children under 5 years from primary tubercular ulceration of the intestines, Cohnheim and Aufrecht, tubercular peritonitis and tabes mesenterica, and the fact that the food of these children consists largely of unboiled milk, the chain of evidence seems well-nigh complete, but has been materially strengthened by a number of clinical cases, of which we furnish the following abstracts:

#### CLINICAL EVIDENCE UPON THE TRANSMISSION OF BOVINE TUBERCULOSIS.

Professor Klencke in an excellent little work published at Leipsic in 1846, accuses cows' milk as a frequent cause of disease in children, and deeply regrets that this indispensable article of food, for which no suitable substitute can be found, should at times contain a virulent poison, not easily demonstrated except by its effects stamped upon the countenance of numerous cachectic children, and maintains that there is a positive connection between the milk of scrofulous and tuberculous cows and the frequent development of scrofula in bottle-fed children.\* He calls attention to the fact that stall-fed, and especially swill-fed, cows are peculiarly prone to become tuberculous (a similar explanation may be applicable to the frightful prevalence of tuberculosis among the North American Indians), and describes the condition of seven cows which he closely studied, five of which furnished an abnormal milk, and the diagnosis of a "scrofulous-tuberculous condition" was confirmed post-mortem in four of the cows (B, D, E, and F).

\*There were 121 examinations of milk and cream made, the specimens coming from 36 animals affected with tuberculosis, but so far as the best veterinary examination could determine, with no disease of the udder. The bacilli of tuberculosis were found, in 19 examinations, in the milk and cream of 12 different animals, or one-third (33 per cent) of the animals examined. The existence of tuberculosis and absence of udder lesions was proven in all possible cases by post-mortem examinations, which were made upon 20 out of the 36 animals (p. 11).

Eighty-eight guinea pigs were inoculated with milk from 15 different cows and tuberculosis developed in 12 guinea pigs—6 of the 15 cows communicated the disease (p. 16).

Feeding experiments with milk from tuberculous cows and healthy udders were made upon 48 rabbits, 12 pigs, and 25 calves. About 4 per cent of the rabbits, nearly 50 per cent of the pigs, and over 33 per cent of the calves became infected. His investigations appear to negative active transmission of tuberculosis from the cow to its offspring, as of 19 calves killed within six days after birth no evidence of the disease could be found.

An interesting investigation was also made of the general milk supply of Boston. Of 33 samples from the mixed supply obtained from the inspector of milk, in 56 examinations the tubercle bacilli were found once, and among 25 rabbits inoculated with milk from a mixed source the disease was transmitted in 3, showing the danger in any milk supply from uninspected cattle.

This last experiment is in accord with the experience of Dr. Fris, who inoculated 23 rabbits with milk found in the market of Copenhagen and transmitted the disease in 6.

Klencke gives the clinical history of 16 children who had been fed with milk from these cows, and all point to tuberculosis of either the intestines, glands, skin, or bone. In three of the intestinal disorders he refers to the presence of indurated mesenteric glands. Of the 16 cases one died, but at the time of his report two of the children were still suffering with "intestinal blennorrhœa and scrofulous abdominal glands," and he feared that, in spite of the change of milk, these patients would perish. In the fatal case, that died from an abscess of the left breast, the autopsy revealed "a true infiltration of tubercular matter beneath the skin, which had probably acted as a foreign body and excited an exhausting suppurative process."

Unfortunately, nothing is said about the pathological conditions found elsewhere, but it must be remembered that Klencke was only endeavoring to prove the transmission of scrofula. In this connection we can hardly resist the conclusion that the difference in degree of virulence observed in the various tubercular manifestations is perhaps not always attributable to the condition of the host, but may possibly be due to an attenuated character of the tubercle bacilli. Whether or not the German habit of boiling the milk, or adding boiling water, or the action of the gastric juice modifies the virulence of the bacilli, as shown by the slower forms of tuberculosis, remains to be seen; but in the feeding experiments with raw and boiled milk, of Bollinger in 1878, and Bang in 1890, we notice a marked difference in the resulting lesions. We have not seen the full report of the royal commission on tuberculosis, but from the abstract published in the *British Medical Journal*, page 948, April 27, 1895, it would appear that Dr. Woodhead noted the effects of temperatures insufficient for its actual destruction upon the virulence of tuberculous material.

By the operation of certain low temperatures he obtained a diminution in the virulence of the tuberculous material in the milk, which then became "so tardy in its operation on test animals as to simulate the slower forms of consumption seen in the human subject, or when used to feed pigs—animals having some specialties of throat structure like that of man—gave rise to chronic enlargements of the throat glands, resembling the scrofulous glands so common in children. These observations are of much interest to us, not least because they suggest the possibility of widely prevalent forms of human tuberculosis owning an origin in milk."

CLINICAL HISTORIES OF PROFESSOR KLENCKE'S CASES OF BOTTLE-FED CHILDREN WITH MILK FROM DISEASED COWS, WITH CLINICAL AND POST-MORTEM DATA OF THESE ANIMALS.

1. Carl P., a vigorous infant of healthy parentage, was nursed by his mother until 10 months of age, when he was partially placed on diluted cows' milk; up to this time he was in splendid condition and all his bodily functions perfectly normal. After six weeks of this mixed-milk diet he was confined exclusively to milk from Cow B, properly diluted; very soon after this the child began to fail; the eyes looked languid, face pale, alternating with hectic flushes, followed by a muddy complexion, and sunken eyes. The bowels were irregular, sometimes constipated, and frequently quite loose. At the end of two months there was decided emaciation, capricious appetite, nasal catarrh, and progressive weakness. Treatment for two months proved unavailing, when the family physician recommended a change of milk, after which the child slowly but surely progressed toward ultimate recovery.

2. Louise L., daughter of perfectly healthy parents, whose other children, aged respectively 5 and 3 years, enjoyed perfect health, was seen by Professor Klencke when 5 months old, and presented at this time the very picture of health. He saw the child again when 11 months old, largely because he knew the child had been fed during the past six months with milk from Cow B, and found the parents greatly distressed over the condition of their child, which presented evidence of external glandular enlargement, acidity of the stomach, diarrhea, emaciation, tympanitic abdomen, and upon deep pressure he found the mesenteric glands to be indurated. There gradually appearing symptoms of "atrophia mesenterica" (tabes mesenterica, or consumption of the bowels) had induced the parents to seek medical aid. The child was treated by a colleague with malted and gelatin baths, oil inunctions over the abdomen, with occasional doses of calamus, rhubarb, and aqua magnesia, bicarbon, fresh air, and exposure to sunshine. Professor Klencke, knowing the dangerous qualities of the milk from Cow B, communicated his experience to the attending physician and insisted upon the selection of a milk from a healthy cow, pasture and hay fed, with the result that in the course of six months the digestive disturbance of the child had been materially improved, and there was also a decided reduction in the size of the enlarged glands.

3. Minna H., of healthy parentage, had received her milk partially from her mother and partially from Cow B since her sixth month, and lived exclusively on

this cow's milk in gradually increased proportions from her eleventh month. The milk had been taken in various forms, but mostly in a raw state, with the addition of fennel tea. At the age of 18 months the parents noticed a progressive curvature of the lower limbs. The child was irritable, peevish, and listless; tongue heavily coated, with constipation and alternately diarrhea; the face emaciated and wrinkled; urine cloudy and devoid of free phosphoric acid; the knee, ankle, and elbow joints were swollen; and, in addition to the symptoms of osteomalacia (rickets), there was more or less febrile disturbance. The family physician had suggested a "milk cure in the country," and the mother, in order to get the milk as fresh as possible, took the child to the very farm whence the milk from Cow B was obtained. It is needless to say that there was an aggravation of all the symptoms, in spite of the employment of malted baths, alcoholic frictions, and cod-liver oil. Professor Klencke suggested the danger of the milk to the attending physician, which was promptly changed, with the result of gradual improvement of all the symptoms and complete restoration of health at the end of eighteen months.

4. Ch. L. lost his mother six weeks after his birth, and was intrusted to a wet nurse, who left him on account of homesickness when only 5 months old; he was then placed on diluted cows' milk and prospered nicely from the fifth to the ninth month while taking milk from a healthy cow on good pasture. A change of residence in the fall brought about a change of milk, and unfortunately the supply came from Cow B. Early in the spring the child began to fail, with loss of appetite, emaciation, pallor, and an old and careworn expression about his face; enlargement of the glands about the neck, scrofulous inflammation of the eyes, with more or less fever, followed later by the development of rickets or softening of the bones. The treatment of the family physician proved wholly unsuccessful until the child was sent to a country home and placed on milk from good-pastured cows. At the expiration of two years there was complete recovery from his acquired scrofula.

5, 6. F. K. and A. K., twin boys, with excellent family history, had been nursed by their mother until the ninth month, with occasional addition of milk from Cow D. From this time on their milk was exclusively derived from this particular cow. Two other children in the family, respectively 7 and 4 years of age, presented the picture of health, having been raised under precisely the same environments, but upon a different milk supply. Six months after the use of the milk from Cow D the boys presented evidence of a nasal catarrh; one of them also had an eruption of the scalp and a slight attack of conjunctivitis, which aroused Professor Klencke's suspicion of scrofula, and he found, moreover, evidence of general softening of the bones, with a pronounced curvature of the lower extremities. The family history being good, but the treatment proving ineffectual, he directed his attention to the milk supply, which was found to be abnormal and derived from a diseased animal. The milk was stopped and a new supply from a perfectly healthy cow, together with antiscrofulous remedies, at the expiration of one year found the babies in a fair way toward complete recovery.

In his examination of Cow D and his inquiries as to the number of infants receiving their milk supply from this source, his attention was directed to another infant, and, with a truly scientific spirit, he sought, through their physician, an introduction into the family and found—

7. H. L., a female infant, aged 11 months, whose milk supply had been from Cow D during the past three to four months; the child was quite pale, weak, and anæmic, and suffered from frequent attacks of diarrhea and vomiting; the eyelids were reddened, slightly congested, and swollen, while the family history and condition of the parents was perfectly satisfactory. He promptly communicated his experience and advised a change of milk, which, together with appropriate medication, resulted in complete recovery at the expiration of nine months.

8-19. Four children, of four different families, free from a tainted family history, surrounded by favorable environments, were common consumers of milk from Cow E, and all four developed pronounced symptoms of a scrofulous condition. Two of the children suffered from exhaustion, anæmia, irregular functions of the bowels, with subsequent progressive emaciation and hectic fever. The other two children, without presenting an external sign of a scrofulous habit, suffered from intestinal blennorrhæa (mucus diarrhea) and symptoms of "abdominal scrofula." In the course of their second year the milk of these four children was changed, and the two last mentioned gradually recovered, while the first two, on account of the deep-rooted cachectic condition, will probably perish.

12, 13. An infant boy and girl of healthy parentage had been fed for thirteen months with milk from Cow F. The little boy at the beginning of his second year suffered from a scrofulous abscess, necessitating medical treatment, and a lymphatic swelling of the left hip seriously threatened his life. About this time the dangerous

character of this milk had been determined, and after changing the supply to a healthy source the favorable effects of antiscrofulous treatment became soon apparent.

The little girl had developed a catarrhal affection which soon assumed a scrofulous character, and the scrofulous dyscrasia (habit) became all the more pronounced after an attack of measles. At this time the family physician was informed of the condition of this particular cow and the probable danger from the milk, and after a change of milk the remedial effects of treatment were soon apparent.

14-16. Three children, consumers of milk from Cow G, for seven, ten, and sixteen months, all developed symptoms of scrofula; one of them, a little boy, developed in the last quarter of his second year an abscess of the left breast, from the effects of which he died. The autopsy revealed "a true infiltration of tubercular matter beneath the skin, which probably acted as a foreign body producing a pathological irritation and suppuration, and on account of its continuance finally exhausted his life."

It will be seen from the foregoing clinical data that four of the children had been fed with milk from Cow B; three received their supply from Cow D, four from Cow E, two from Cow F, and three from Cow G. Professor Klencke having connected these cases with a particular milk supply, he at once extended his investigation into an examination of the cows, the method of feeding, their general sanitary surroundings, together with a microscopic and chemical examination of the milk, and actually followed up his inquiry by four autopsies of the cows.

Such of course is worthy of emulation in this scientific epoch. When we remember how much care is usually taken in the selection of a wet nurse, the remarkable indifference displayed in the matter of cows' milk is really surprising, and appears to be due to ignorance and the evident presumption as "a cow is a cow" we need know nothing more. While it is absolutely impracticable for physicians in cities and large towns to pursue this same line of inquiry, it is equally evident that the consumers of milk need protection, which should be furnished by proper sanitary control of the dairies on the part of the State and municipal authorities. Now, let us see what Klencke found in the physical condition of these cows, their milk, and subsequent autopsies:

1. Cow B, heifer, with her first calf; small and delicate muscles; abdomen tense, enlarged, and tympanitic; has had several attacks of convulsions; the nasal mucous membrane was injected, dry, and hot; the eyes and buccal membrane were also injected and there was an increased flow of saliva; the udder was small, with prominent blood vessels.

The milk of this animal was examined in August while being fed on pasture, beet tops and vegetable garbage, and appeared somewhat watery, with a rather faint animal smell and absence of the characteristic sweetish taste, microscopic examination revealed globules  $\frac{1}{800}$  to  $\frac{1}{500}$  inch in diameter and having a tendency to adhere together in pairs and triplets. Sp. gr., 1.027; water, 83.7; solid matter, 14.3; composed of fats, 5.2; casein, 6; extractive matter, 3.1, and very little lactic sugar.

The milk was examined in September, while the animal was being fed on distillery and brewery slops, with potatoes and fresh hay, and presented a bluish watery color, reaction slightly acid, probably due to free lactic acid. The result of the chemical analysis was quite remarkable, as shown by the presence of albumin as follows: Water, 87.02; solids, 12.98; composed of casein, 5; albumin, 2; butter, 4.91; extractive matter, 1.7, and very little lactic sugar.

The milk was again examined in February, while the animal was being fed exclusively on distillery and brewery slops, with potato refuse, and presented a bluish watery color, thin consistency, slightly alkaline reaction, sp. gr. 1.070, only 3.4 per cent of cream, and very little milk sugar. The globules, already referred to, were quite sparse and small, opaque, not always spherical, but looked biscuit-shaped and as if they had been acted upon by diluted acetic acid, while the former globules had been seen in groups. The yield also revealed small bodies of a whitish color, lighter around the edges, occasionally granular, which under the influence of acetic acid became more transparent, began to swell, and then disappeared. These bodies were insoluble in alcohol and ether, and other tests revealed their albuminoid character. The chemical analysis revealed water, 87; solids, 13; composed of casein, 3; albumin, 4; butter, 3.2; extractive matter, 2.8. The appearance of albumin in the milk of swill-fed animals is regarded by Professor Klencke as an important matter and strongly suspicious, as it was observed by him only, under such unfavorable feeding conditions.

The cow proved so unprofitable to the owner that, like many animals of this class, it found its way to the butcher's shop, where the professor found evidence of fully developed scrofula, not only of the subcutaneous glands of the neck and abdomen, but also of the mesenteric glands, which were found to be enlarged and indurated.

The intestinal mucous membrane was strongly injected with circular vascular spots, in several of which could be seen yellow nodules about the size of a millet seed; the contents of the intestines, pancreas, and mucous glands of the diaphragm yielded an acid reaction, with the presence of free lactic and acetic acid.

Cows D and E belonged to the same owner, were inmates of the same stable, and shared about the same food and environments; both had a tympanitic abdomen, bowels irregular, with a tendency to mucous diarrhea; their appetites were poor for days in succession, and Cow E frequently refused food and was fond of rest; the udder of both animals was large, pendulous, and presented to the touch nodular indurations; the edges of the lacteal openings in the teats were red and swollen; the nasal mucous membrane was reddened and covered with a purulent discharge; the eyes were bloodshot, and the vaginal mucous membrane secreted much mucus.

The milk of cow D was examined after her fifth calving, in February (the animal having been fed during the whole winter, without exercise, on slops of a distillery), and presented a bluish, watery color, a faint animal odor, sp. gr., 1.080. The microscope revealed a few small milk globules mixed with distinct fat globules. Elain (?) also granulated, cells resembling pus corpuscles, and some amorphous deposit of a brownish-yellow color; after exposure to the air the milk globules assumed more of an oval form; the addition of a little acetic acid rendered the granular bodies transparent, and the presence of nuclei revealed their true character as pus corpuscles, and the amorphous matter was found to be composed of mucus; the addition of nitric acid showed the presence of albumin. The milk contained only 12.9 parts of solid matter, composed of casein, 3; albumin, 5; butter, 2.2; elain, 1.2; extractive matter, 1.5. The milk from this animal was again examined the following morning, immediately after milking, with the same results, except that the reaction was slightly acid.

The autopsy of cow D "revealed a typical case of scrofula of the mucous membranes; those of the nose, intestines, and urinary passages were inflamed, and those of the uterus, vagina, and lacteal ducts revealed blood stasis and motley colored spots; the small intestines presented numerous small ulcers, and the frequent attacks of diarrhea were doubtless caused by a scrofulous-intestinal catarrh. A number of the mesenteric glands were enlarged and inflamed, especially in the direction corresponding to the intestinal ulcers; groups of congested blood vessels were found all along the peritoneum. \* \* \* The lungs and spleen revealed typical tubercular deposits." \* \* \*

The milk from cow E was examined in February, after her second calving, under the conditions of feed, etc., already indicated, and presented a bluish, watery color, a faint animal odor, a slimy sleek consistency, and a sp. gr. of 1.063. Microscopical examination revealed a few small milk globules of apparently normal character. There were, however, a number of disk-like, kidney-shaped bodies, somewhat larger than the milk globules, less transparent, more yellowish, and bearing a strong resemblance to colostrum bodies; there were also fragments of epithelial cells and granular bodies, such as are found on congested mucous membranes, and scarcely distinguishable from pus corpuscles. Caustic ammonia rendered the milk slimy and even stringy, which, according to Donné, is an argument in favor of the presence of colostrum. The chemical analysis revealed casein, 7.01; albumin, 10.06; butter, 2.60; water, 80.34. Not a trace of lactic sugar or incombustible salts.

The autopsy of cow E revealed a general scrofulous condition. Apart from the fact that everywhere the mucous and serous membranes presented vascular injections, there were extensive deposits of miliary tubercles in the lower part of the small intestines, which engirdled the lumen in the form of white miliary bodies, embedded in and slightly projecting above the surface of the mucous membrane, and which in many instances had been destroyed by ulceration, an appearance altogether not unlike that found in human subjects who have died from ileitis pustulosa. All of the mesenteric glands were found to be enlarged, indurated, injected with blood vessels, and infiltrated with a cheesy substance. The nasal mucous membrane showed numerous ulcerations and was covered with a purulent discharge. The lacteal ducts appeared inflamed, and the udder was the seat of an induration and infiltration with a cheesy mass of precisely the same character as the tubercular matter found in the lungs and liver as raw tubercles; crystals of cholesterin were invariably present in and about these infiltrations, and the pleural cavity was filled with what is called, in popular language, "bad water."

Cow F, when examined, was about 7 years old, and was found to be rather emaciated, and a pot-bellied animal, with numerous nodules beneath the skin; the udder was flabby and pendulous, and the cow suffered from frequent attacks of tympanitis and constipation; the eyes looked bloodshot, with vascular stasis also of the mucous membrane of the nose and vagina; there was evidence of chronic nasal catarrh, and microscopical examination of the discharge revealed the presence of pus corpuscles and ferment bodies. The animal was a greedy feeder, but yielded only a

small amount of milk, which was examined on two occasions, once in September, twelve weeks after her sixth calving and while being fed with distillery slops and greens. The results of the analysis were precisely the same as found in that from cow D. The second examination, made in February, thirty-three weeks after calving, while the animal was being fed exclusively on distillery slops, revealed a faintly acid reaction, and a sp. gr. of 1.064, with very little cream. The milk globules were large but few, and partially adherent to each other; free-oil globules (elain), numerous collostral bodies, and mucus (pus) corpuscles were found to be floating in the serum. The addition of caustic ammonia rendered the milk slimy, and the addition of nitric acid in another sample revealed the presence of albumin. Chemical analysis failed to detect milk sugar, and but very little ashes, the result being, casein, 4; albumin, 14; butter, 1.55; elain, 1; water, 80.45.

The autopsy of this animal was conducted by Professor Klencke at the Royal Veterinary School, for the purpose of a minute anatomico-pathological study, which demonstrated the fact that the same scrofulous lesions may develop in the cow as are found in the human subject, and that human scrofula and the disease found in the mammalia are identical. All the mesenteric glands of this animal were found to be enlarged, chronically inflamed, and infiltrated. The intestinal mucous membrane revealed the presence of miliary tubercles arranged in circular groups; the nasal and respiratory mucosa were reddened, and the lungs the seat of tubercular infiltration, the mass consisting of casein, albumin, soda, and lime salts, and at several points it had been transformed into a greenish, thin pus. The pancreas was partially infiltrated with a tough, cheesy mass, which traversed it in a cordlike and uneven manner. The liver revealed similar deposits, and the spleen, while free from infiltration, was nevertheless abnormally tough in consistency. The blood was deficient in fibrin, blood corpuscles, and salts.

Cow G was about 7 to 8 years old; emaciated, bloated, abdomen, through the walls of which indurated glands could be distinctly felt; the udder was enlarged and the mucous membrane presented evidence of vascular stasis; the nasal mucous membrane was covered with a purulent discharge. The animal was a greedy feeder, but otherwise quite languid, and yielded only a small quantity of milk, which was examined on repeated occasions while the animal was stall fed both summer and winter, with very little green feed, the average result being an acid reaction, except occasionally in the evening; the sp. gr. was from 1.067 to 1.070; in spite of the bluish, watery color of the milk and its slimy consistency, the cream rarely yielded a butter of normal consistency; the latter as a rule was peculiarly soft. Under the microscope the milk globules appeared large, adherent, but few in number, mingled with free fat globules (elain); colostral bodies with uneven borders, mucus (pus) corpuscles, and fragments of epithelial cells were also present. Acetic acid precipitated mucus, and nitric acid revealed large quantities of albumin. Chemical analysis yielded casein, 3.2; albumin, 15.2; elain, 1.4; butter, 2.2; water, 78.

There are no details of an autopsy of this animal, but the presence of indurated abdominal glands, as referred to in the physical examinations, sufficiently indicates what Professor Klencke would call a pronounced case of scrofula, but what the modern pathologists define as tuberculosis. The milk of these four cows was consumed by a number of children, previously healthy, and developed what was formerly known as scrofula, and now recognized as the slower forms of tuberculosis; and while this was long before the era of microbes, Professor Klencke points out that the milk differed from normal milk in this, that it contained a large amount of albumin and free-oil globules, which he called elain; was quite deficient in butter fats, the salts and lactic sugar, and contained, moreover, the products of an abnormal mucous membrane, such as "granular (congestion) corpuscles, epithelium and pus corpuscles."

If we stop to inquire into the food and care of these animals, we are told that they were stall and swill fed and fortified with the results of Boussingault's feeding experiments, which he quotes, he attributes the development of scrofula in the cows directly to malnutrition, consequent upon improper feeding, together with insufficient exercise, damp, dark, and badly ventilated stables—conditions which we regard at the present day as strong predisposing factors to the development of tuberculosis.

Boussingault fed two cows, their combined weight being 1,191 kilograms, for seven-eleven days with 2,281 kilograms of red beets. The animals yielded during this period 203 liters of milk. The milk from Cow A contained casein, 3.67; milk sugar, 3.39; butter, 4.56; chlorides, 0.43; phosphates of lime and magnesia, 0.22; water, 87.73. The milk from Cow B yielded casein, 3.81; milk sugar, 3.74; butter, 3.47; chlorides, 0.54; phosphates, 0.26; water, 88.23. These animals furnished 8.31 kilograms of butter and lost 1.45 kilograms of fat in the feces, and as beets only contain 0.001 of fat besides 0.0021 of nitrogen and 0.00046 of phosphoric acid, the animals

produced 9.76 more fat than they consumed, with a loss in bodily weight of 87 kilograms.

After feeding these cows for four days with hay, a second experiment was begun, their combined weight at this time being 1,114 kilograms; and they received within the next fifteen days 472 kilograms of hay and yielded 154 liters of milk, which from Cow A contained casein, 3.63; milk sugar, 3.46; butter, 5.92; chlorides, 0.45; phosphates, 0.27; water, 86.26; while the milk from Cow B contained casein, 3.56; lactic sugar, 3.94; butter, 4.39; chlorides, 0.52; phosphates, 0.20; water, 87.39. Both cows furnished 8.03 kilograms of butter and eliminated with the feces 5.08 kilograms, a total production of 13.11 kilograms of fat within fifteen days. The hay yielded to ether 3.5 per cent of fat (and contained 0.012 nitrogen and 0.0034 phosphoric acid); the ingestion of fat amounted to 16.52 kilograms and the elimination to only 13.11 kilograms, with an actual consumption of 3.41 kilograms of fat, and a gain of 41 kilograms in their combined weight.

After the animals had maintained for several days a combined weight of 1,156 kilograms, they were fed for fourteen days with potatoes, consuming 1,077 kilograms, and yielding 122.6 liters of milk, which from Cow A contained casein, 4.37; lactic sugar, 3.09; butter, 3.97; chlorides, 0.55; phosphates, 0.27; water, 87.75. The milk from Cow B contained casein, 3.99; milk sugar, 3.99; butter, 4.63; chlorides, 0.55; phosphates, 0.27; water, 86.57. The potatoes contained 0.002 of fat, besides 0.0037 of nitrogen and 0.00109 of phosphoric acid; the amount of fat ingested was 2.15 kilograms, the amount contained in the feces was 0.51, the total amount eliminated as butter and fat was 6.16 kilograms, and this plus production resulted in a loss of bodily weight of 33 kilograms.

Dr. Ernst's recent clinical inquiry on the transmission of bovine tuberculosis revealed the following facts: Eighteen hundred circulars were sent to physicians and veterinarians, asking if they knew of any cases in which human beings had been infected with tuberculosis through the milk of cows. Among 1,013 replies from physicians 895 were negative, 8 reported cases of infection of a child by the mother, 11 reported cases of infection by cows' milk, and 16 reported suspicious cases. The veterinarians gave much more striking evidence, since among 54 replies 14 reported positive and 9 suspicious cases.

The positive replies quoted by Dr. Ernst are not such as will be considered conclusive evidence by pathologists, and really lack scientific accuracy. While the development of *tuberculosis mesenterica*, *phthisis*, tubercular meningitis, glandular affections, etc., occurring in hand-fed babies of perfectly healthy parentage points with suspicion to the milk supply, the investigation should be extended, as Klencke had done fifty years ago, whenever practicable to the animals, and with our present opportunities for bacteriological investigations some valuable facts may thus be collected.

Johne reports a striking case in which a post-mortem examination of the cow revealed extensive tuberculous deposits. The steward of the farm was especially interested in the result of the investigation, as on account of the previous good condition of the animal the milk had been selected for his infant son. The family physician was at once notified, and reported progressive emaciation and a "pulmonary catarrh" which he had attributed to a recent attack of measles. A short time afterwards Johne received word that the boy, then 2½ years old, had succumbed to an attack of milinary cerebral tuberculosis. This case is of special interest because there was no hereditary predisposition, and the other children in the family are perfectly healthy.

Hermisdorf relates the case of a girl 14 years of age, of healthy parentage, who developed tubercular laryngitis and tuberculosis of the ileum and cæcum, which he attributed to the milk of a tuberculous cow. This girl was in the habit of drinking the milk while still warm.

Leonhard mentions a family in which the children contracted tuberculosis soon after being weaned. The cow was finally suspected and killed, and the diagnosis confirmed. The next child in the family remained in good health. He also mentions two cases of tubercular meningitis traced to the use of unboiled milk from a tuberculous cow. Demme reports five cases observed in the children's hospital at Berne infected by tuberculous milk. Sonntag, Meyerhoff, Stang, Schöngen, and Uffelmann report similar cases. Epstein, in his extensive experience, finds that children from consumptive parents rarely develop the disease when provided with a healthy wet nurse, and attributes the frequency of intestinal tuberculosis to the infectious qualities of the milk. Herterich relates two cases, which he attributed to the milk of a tuberculous mother. Brouardel cites a case where five out of fourteen girls living in a boarding house became consumptive subsequently to the use of milk from a tuberculous cow.

On pursuing the literature on this subject, we found Carmichael's "Essay on the



nature of scrofula, with evidence of its origin from disorder of the digestive organs," London, 1810, in which he refers to acescent diet, especially of cow's milk, as a frequent cause of scrofula. Page 50, he says:

"Infants at the time of weaning are, from the change of diet, particularly subject to bowel complaints, too often followed by disease of the mesenteric and lymphatic glands."

Dr. J. Cheyne, on page 51, writes, October 17, 1809:

"I have attended some children of scrofulous families, who died of the mesenteric disease with a general glandular affection, as proved by dissection, whose complaints commenced with restless, feverish, thirsty nights; fullness, hardness, and tenderness of the abdomen; loose, unnatural stools, wasting of the flesh, and regular hectic. I have traced these complaints to neglect and mismanagement in diet, and in one or two instances distinctly to the child having been allowed to swallow as much milk as it chose. And in other children (two of whom are but just recovered) I have evidently stopped the progress of the disease by the use of the warm or tepid salt-water bath, by purges, calomel in alternative dose, entire disuse of milk, animal decoctions, afterwards port wine, \* \* \* proper clothing, and exercise in fine weather. Has not this, the acute stage of the mesenteric disease, been overlooked?"

"Carmichael quotes Wiseman, White, and Lieutaud to show 'that whenever the outward glands do appear swelled you may safely conclude the mesenteric to be so too, they being usually the first part that is attacked by this malady.'"

Carmichael, while he never saw a subject in the dissecting room with strumous glands externally without a similar state of those of the mesentery, insists that he has very frequently seen the latter unaccompanied by any affection of the external glands, which to his mind indicates that in scrofula the mesenteric glands are the first affected. While his essay does not attempt to deal with the transmission of scrofula in the milk of diseased cows, he points with emphasis to the use of sour milk, and on page 101 he remarks:

"With respect to the disease in question, we know that swine are so subject to one very similar, that scrofula has in consequence derived its name from those animals, and certainly their extraordinary fondness for acescent food corroborates in some degree the foregoing opinions. Swine, it is well known, fatten upon buttermilk and upon the sour liquid formed in starch manufactories during the steeping of wheat."

Casper, in his *Characteristic of French Medicine*, etc., published in 1822, on page 124, writes:

"Scrofula is not more rare in Paris than elsewhere, and baffles also here the efforts of physicians. La Billardière declares that the majority of milch cows in Paris perish from nodular consumption, and that their milk contains seven times more of phosphate of lime than common. Is it possible that there is a connection between this phenomenon and the many tuberculous diseases among the children in Paris? We can not pursue here this investigation, where the mere fact suffices that in Paris, especially in the hospitals for foundlings and for children, like the St. Louis and others, the sequelæ and effects of scrofula can be seen in astonishing numbers."

## SECTION 5.

**MILK WHICH ACQUIRES INFECTIVE PROPERTIES GENERALLY ONLY AFTER IT LEAVES THE UDDER OF THE ANIMAL.**

### MILK-BORNE DISEASES.

[Conclusions based upon 195 epidemics of typhoid fever, 99 epidemics of scarlet fever, and 36 epidemics of diphtheria spread through the milk supply.]

To Dr. Michael Taylor belongs the credit of being the first to point out definitely that cow's milk might serve as the medium of spreading typhoid fever from a dairy where the disease prevailed.

In 1867 Dr. Taylor also showed that scarlatina might be distributed in the same way. In 1877 Mr. Jacob traced a diphtheria epidemic at Sutton to the milk supply, and in 1872 Macnamara traced an epidemic of cholera at Calcutta to an infected dairy.

These facts could not fail to invite criticism and sharpen the power of observation in others, and in consequence similar outbreaks were more frequently reported, so that Mr. Ernest Hart, in a most valuable paper, was enabled to present to the International Medical Congress, held in London in 1881, the history of 50 outbreaks of typhoid fever, 15 of scarlet fever, and 7 of diphtheria, all traceable to the milk supply. In May, 1895, the writer, in a joint communication with Dr. Busey, added 88 milk

typhoid epidemics, 59 of scarlet fever, and 21 of diphtheria, but even this formidable array of facts was not accepted as conclusive, largely because the milk industry constitutes a strong spoke in the commercial wheel and naturally opposed what they considered meddling interference with their trade, and in many instances are upheld by members of our profession who considered the evidence wholly circumstantial and incomplete as long as the specific germ of the respective disease had not been demonstrated in the suspected milk.

While this link in the chain of evidence would be very desirable, it will be well for those who exact it and completely ignore the reports, many of which are masterpieces of medical logic, to remember that, by the time we are able to connect a certain outbreak with a particular dairy, days and sometimes a week or more will have elapsed, the germs are probably exhausted, and thus a most opportune time for their detection will have been lost. An approach in this direction has, however, been made by Professor Vaughan before the Congress of Hygiene and Demography, in London, in August, 1891, when he demonstrated a culture tube containing a bacillus, which he found simultaneously in the water from the dairy well and in the milk from the cans. At the same time one or more cases of typhoid fever existed in every family which patronized this milkman. The bacillus resembled, but was not identical with, that of Eberth.

Since this time, Bailey and Tulley, in 1893, isolated Eberth's bacillus in suspected water with which the milk cans were washed and the milk diluted, and Dr. Leal, in 1897, made a similar demonstration in Paterson, N. J. But even if the specific germs of the diseases in question should never be demonstrated in suspected milk, we know from the bacteriological studies of Heim, Löffler, Kitasato, Raskina, Sonnenberger, Riedel, Wolhügel, Hesse, Fränkel, and others that milk is a favorable culture medium for the germs of typhoid, cholera, erysipelas, pneumonia, and some of the pyogenic organisms; also for the bacillus of tuberculosis, as shown by Heim, and which Gasperini even found in butter one hundred and twenty days old.

Adamez has cultivated the bacillus diphtheria and of glanders in sterilized milk. Fränkel and Kister found typhoid bacilli in several specimens of buttermilk, and conclude from this that the disease may be carried by this food, and that the epidemic of Hamburg, in August and September, 1897, which affected over eighty-two cases, was largely spread by means of buttermilk. This is at least strong corroborative evidence, and must be especially gratifying to those who have been charged with going altogether too far in their attempts to regulate the sale of milk.

It is of course well known that Professor Vaughan believes that different forms of bacteria may induce typhoid fever.

*Cholera.*—Professor Koch, in 1884, first pointed out that milk is a suitable culture medium for the cholera bacillus, but the possibility of the virus being transmitted in the milk had been emphasized before. Gaffky, in the report of the cholera commission in India, in discussing this subject, refers to the unsanitary conditions of the dairies in India, where the water supply is derived from tanks which are promiscuously used for bathing, laundry and dairy purposes, and as Dr. Payne, the health officer of Calcutta, in his report for 1876, expressed it, "milch cows are stalled in the neighborhood, and the nearest water is freely mixed with the milk and distributed through the town." Dr. Cayley refers to the fact and consequent danger that at Katarhatti, a suburb of Calcutta of 300 families, 70 are engaged in the milk business, all located near one of these notorious water tanks, and that in September, 1872, not less than 16 cholera cases with 6 deaths occurred among these dairy people.

Dr. Macnamara reports an outbreak in a boarding house at Calcutta attacking six Europeans and the cook of their department, while the other inmates and servants of the house escaped. They had all consumed the milk from a particular dairy, and it was determined that immediately before this outbreak 8 cases of cholera had occurred in close vicinity of the water tank used by this milkman. Dr. Simpson, health officer of Calcutta, describes a limited epidemic which occurred on board the ship *Ardenclutha* resulting in 9 cases and 4 deaths, and affecting, with one exception, consumers of a particular milk derived from a dairy located near a tank into which dejecta from a cholera patient found access, and the milkman, with unusual frankness, also admitted that he had diluted his milk with one-fourth water from this tank. Surgeon-Major Cunningham, in an excellent paper on milk as a medium for cholera bacilli, has called attention to the fact that the presence of germs whose growth is associated with impure and contaminated milk, as in India, and consequent acid fermentation, is destructive to the development or existence of organisms which, like the comma bacilli, require an alkali or neutral medium.

EPIDEMICS OF MILK TYPHOID, SCARLATINA AND DIPHTHERIA, SORE THROAT, AND ERY-  
SIPELAS.

We know now that disease germs may not only survive, but in many instances actually proliferate in the milk, and it is not a difficult matter to point out the many ways by which they may gain access, especially when some of the employees connected with the dairy or farm are also engaged in nursing the sick (as in examples marked †) or are suffering themselves from some mild infection while continuing their usual duties, or are convalescents from the disease. (See examples marked †.) It is quite conceivable how animals wading in filth, and sewage-polluted water or meadows, may infect the udder or teats, with the germs of typhoid fever, and through it the milk. (See instances marked †.) We can also appreciate how infected water may convey the germs by washing the utensils or by deliberate adulterations. (See instances marked §.) Infection may also take place through the agency of scrubbing brushes, dishcloths and exposure to contaminated air. Last, but not least, the agency of flies and other insects as carriers of the germs to the milk and other food stuffs can not be ignored.

In 1895 in the city of Washington, I had abundant opportunity to observe the influence of flies in the spread of typhoid fever, and so recorded my opinion in my official report.

## TYPHOID FEVER.

Of the 195 epidemics of milk typhoid the writer has collected 110, Mr. E. Hart 69, and Freeman 16, the latter are included in the subjoined table, in which the main facts are presented. In 148 of these epidemics there is evidence of the disease having prevailed at the farm or dairy. In 67 instances it is probable that the infection reached the milk by soakage of the germs into the well water with which the utensils were washed, and in 16 instances Nos. 7, 51, 70, 79, 103, 104, 113, 114, 115, 116, 120, 130, 136, 139, 149, 152, the intentional dilution with polluted water is a matter of evidence.

In No. 184 the bacteria coli commune was demonstrated in the wash water. In Nos. 149 and 188 it is claimed that the specific germ of typhoid fever was isolated in the water supply, and in No. 189 sewage bacteria were found in ice cream sold by street vendors. In 7 instances (Nos. 12, 83, 121, 124, 131, 147, 178) the infection is attributed to the cows drinking or wading in sewage-polluted water and meadows. In 4 instances (Nos. 144, 151, 163, 189) the infection was spread in ice cream prepared in infected premises. In 7 instances the infection was spread through milk delivered at creameries (Nos. 96, 120, 146, 155, 172, 183, 188). In 24 instances the dairy employees also acted as nurses (Nos. 1, 4, 8, 14, 18, 19, 28, 34, 41, 43, 47, 52, 72, 77, 91, 127, 130, 137, 142, 154, 155, 165, 173, 177). In 10 instances the patients, while suffering from a mild attack of enteric fever or during the first week or ten days of their illness, continued at work, and those who are familiar with the personal habits of the average dairy boy will have no difficulty in surmising the manner of direct digital infection (Nos. 118, 119, 128, 132, 140, 162, 164, 166, 177, 190).

In 1 instance (No. 28) the milk tins were washed with the same dishcloth used among the fever patients. In No. 159 the man who milked the cows was also the night-soil scavenger and probably conveyed the germs into his own family. In another instance (No. 177) a boy working at the dairy and who had recently driven a night-soil wagon developed typhoid fever. A sister of the boy was taken sick ten days later, their mother nursed them both and washed the dairy utensils, including a cloth milk strainer. In No. 111 the owner of a milch cow, whose child was sick with typhoid fever, kept the milk in a safe in the sick room, it being the only room at the disposal of this poor widow. In No. 182 Sir Cameron, the health officer of Dublin, believed the milk was infected by absorbing exhalations from the dejecta of the patient while being carried down the stairs. He placed some enteric dejections close to a vessel of milk and in ten minutes found that it had become infected, as proved by subsequent culture tests. In this as well as similar instances the writer would suggest that the contagion was carried by flies rather than by absorbing exhalations.

## SCARLET FEVER EPIDEMICS.

Mr. Hart collected 21 epidemics, Dr. Freeman 5, and the writer 73, making a total of 99 epidemics spread through the medium of the milk supply, the details of which will be found in Table No. II.

In 68 instances the disease prevailed either at the milk farm or dairy. In 6 instances persons connected with the dairy either lodged in or had previously visited infected houses. (See Nos. 8, 9, 10, 11, 15, 45.) In Nos. 12 and 99 it is believed that

the infection was conveyed from a fever house visited by the dairyman, who was in the habit of taking his milk can into the houses, and by means of infected empty bottles. In 17 instances the infection was doubtless conveyed by persons connected with the milk business, while suffering or recovering from an attack of the disease (see Nos. 2, 26, 30, 33, 47, 63, 64, 66, 76, 78, 80, 88, 89, 91, 95, 96, 98), and in at least 10 cases by persons who acted as nurses while handling the milk. (No. 1, 2, 7, 9, 13, 14, 16, 29, 69, 92.)

In three instances, Nos. 1, 86, 87, the milk had been kept in the cottage or rooms close to the sick room. In No. 75 the cows had been milked into an open tin vessel, which was carried across an open yard past an infected house, and in No. 59 the milkman had wiped his cans with white flannel cloths (presumably infected) which had been left in his barn by a peddler. Nos. 25 and 49 appear to have been instances of mixed infection of scarlet fever and diphtheria. In the Hornsey epidemic, No. 87, it was stated that "the milk was distributed by two men, and that at the houses at which one of these men delivered milk there were no cases at all, while at those at which the second man delivered there were 15 or 16 cases. At this man's house a child had suffered from scarlet fever, showing clearly the manner of infection as having taken place by infected clothing, and the germs were most likely conveyed into the milk while this man pushed his arm into the big can to fill the little ones during his rounds.

In nineteen instances the infection was attributed to disease among the milch cows; in four of these (Nos. 19, 20, 21, 40) the puerperal condition of the animal is blamed. In nine instances inflammation of the udder or teats were found (see Nos. 34, 38, 44, 46, 65, 67, 68, 72, 75) and in six instances loss of hair and casting of the skin in the animals were noted (Nos. 19, 20, 21, 43, 45, 46). As a matter of fact, many of the epidemics of scarlet fever and diphtheria in Great Britain have been attributed to a milk supply derived from animals suffering with local affections of the teats and udder. Thus, in November and December, 1885, an epidemic appeared at Marylebone, St. Pancras, and Hampstead, which W. H. Power traced to a particular milk farm at Hendon, but could discover no sign of scarlet fever at or near the dairy.

Upon examination of the cows some of them were found to be suffering from an ulcerative disease of the teats and udders, and from various other circumstances he inclined to the belief of the bovine origin of this disease. This opinion was shared by the late Sir George Buchanan, who requested Dr. Klein to make an examination of the disease observed among the milch cows at Hendon. The latter found certain micrococci in the diseased tissues and organs of these cows and in the discharge from their teats, and succeeded in growing these in a variety of culture media. Inoculations of calves with this material, whether from cultures or direct from the cow, produced a disease having unmistakable affinities both with the Hendon disease and human scarlatina.

Klein found this microbe to inhabit the tissues and organs both of the human scarlatina patient and of the Hendon cow and declared that we need no longer hesitate to call it the "micrococcus scarlatinae."

These views were strongly combatted by Thin, Crookshank, and Brown, and from the evidence before us we conclude that there is no proof that there is a disease in the cow which is communicable as scarlet fever or diphtheria to man. This question, however, seems to us by no means settled, and is one that merits the most searching investigation by pathologists and bacteriologists. In the meantime there is nothing strained in the assumption that in these debatable instances and in all the epidemics marked with an asterisk (\*) i. e., in 35 out of 135 epidemics of scarlet fever and diphtheria, tabulated by the writer, we are dealing with a streptococcus or staphylococcus infection and it will often be impossible to differentiate clinically such attacks from true diphtheria and scarlet fever.

In addition to Klein's testimony as to the presence of a streptococcus in these cases, Guillebeau made an examination of the milk of 76 cows suffering from udder inflammation, in all of which he found pyogenic organisms, capable of producing similar inflammation when inoculated in healthy animals.

Dr. Cotterill has published epidemics of a febrile sore throat which appeared to be neither scarlet fever nor diphtheria, but nevertheless caused by the milk from cows which had an eruptive disease on the teats and udders. Grey Edwards, in August, 1897, published cases of follicular tonsillitis, in which the staphylococcus pyogenes aureus and albus, and the streptococcus pyogenes (short form) were not only found by Severn, director of a London pathological laboratory, in the suspected milk, and in the milk of a certain animal, but also in the sweeping (culture) from the throat. Moreover, Prudden reports 24 cases of diphtheria, in which all but two he demonstrated a streptococcus, probably identical with the streptococcus pyogenes and streptococcus erysipelatosus.

Baginsky in 1892 reports, that of 154 cases of diphtheria treated under his supervision in 118 cases Löffler's bacillus was present, while in the remaining 36 only cocci (staphylococci and streptococci) could be demonstrated.

When we further consider that toxines may and do produce a scarletinous exanthem, we feel fully warranted in reaffirming our statement uttered five years ago, that in all the epidemics of scarlet fever and diphtheria, which were traced to milk from cows suffering with some inflammatory lesions of the udder or from puerperal fever, we have typical instances of a streptococcus and staphylococcus infection.

#### DIPHTHERIA EPIDEMICS.

Mr. Hart collected 12 epidemics of milk diphtheria, Freeman 2, and the writer added 22 more, making in all 36 epidemics. (See Table III.) In 13 of these 36 instances diphtheria existed at the farm or dairy and in 12 instances marked \* the disease is attributed directly to the cows having gurglet, chapped, and ulcerated conditions of the teats and udder. (See Nos. 2, 5, 8, 16, 22, 23, 24, 25, 28, 29, 31, 34.) In No. 26 one of the dairymaids suffered from a sore throat of an erysipelatous character. In No. 33 the patient continued to milk while suffering from diphtheria. In No. 35 the driver of the wagon was suffering from a sore throat, which Professor Howard believes to have been diphtheria, although the bacillus diphtheriae was not demonstrated in this case, the cultures having been made at least five or six days after the subsidence of the throat symptoms and the probable disappearance of the false membrane.

It is, of course, difficult to account for the infectious qualities of the milk in those epidemics where the disease in question could not be found at the milk farm or shop. In the epidemics of so-called scarlet fever and diphtheria which were attributed to inflammatory conditions of the teats and udder, for reasons already given we feel justified in believing that we have to deal with a staphylococcus or streptococcus infection, while in the typhoid epidemics traced to milk farms or shops where no cases of enteric fever could be found, we are either forced to the conclusion that the specific germs remained dormant for a long time, or that certain varieties of bacteria may acquire virulent properties by suitable environments which unfortunately too often exist in connection with milk farms.

The possibility of the infectious germs being carried by flies into the milk should not be overlooked, nor the fact that milk bottles from infected houses and which have been exposed in the sick room may and probably are often the medium of conveying the primary contagion to the dairy, and the health department of Washington, as soon as a case of diphtheria or scarletina is reported, notifies the dairyman to discontinue leaving bottles, but as Dr. Walsh justly remarks, "there is danger of contagion before the case is diagnosed, or in cases where the disease is not recognized at all."

It is interesting to note that of 195 epidemics of milk typhoid, 99 of scarlet fever, and 36 of diphtheria, a total of 330 epidemics, 243 have been recorded by English authors, 52 by American, 14 by German, and 11 by Scandinavians, and 5 each came from Australian and French sources. This is probably due to the fact that the English and Americans usually consume milk in a raw state, while in Germany, France, and the continent of Europe milk is rarely used without previous boiling (sterilization). It can scarcely be an index alone of the greater interest taken in England and the United States in preventive medicine.

The writer fails to see, however, wherein Dr. Scholl is justified in regarding the epidemics reported by American physicians with distrust, when, as a matter of fact, the reports compare favorably with those of the best English authors in the presentation of evidence and attention to details. Dr. Scholl should remember that it was, after all, an American hygienist who first demonstrated the nature of cheese poison, which as venenum casei had baffled the efforts of European scientists for over a century, and that the same Professor Vaughan was also the first physician who presented bacteriological evidence as early as 1881 in an instance of milk typhoid infection, and that another American isolated in May, 1893, Eberth's bacillus in suspected water, which was several years before Rehn demonstrated the presence of the bacillus coli commune in suspected milk and five years before Fränkel and Kister found typhoid bacilli in buttermilk.

## TABLES OF EPIDEMICS.

TABLE I.—*Epidemics of milk—typhoid.*

No.	Date.	Place.	Number of cases.	Number of deaths.	Number of consumers of milk.	Percentage.	Circumstances of outbreak.	Reporter and reference.
1†	October and November, 1887.	Penrith.....	.....	.....	.....	.....	The outbreak which affected 7 families was traced to a supply derived from a milkman in whose cottage were cases of typhoid fever. The milk was kept in the kitchen, where the children lay and the mother, who was the nurse, also milked the cows.	Dr. M. W. Taylor. <i>Edin. Med. Jour.</i> , May, 1888; <i>Brit. Med. Jour.</i> , Vol. II, 1870, p. 623.
2	1868.....	Dover.....	.....	.....	.....	.....	Investigation convinced reporter that the milk was the vehicle of the poison and that it became infected by absorption and not through contaminated water.	Dr. M. K. Robinson. <i>Trans. Int. Congress for Hygiene and Demogr.</i> , 7th sess., 1891, sec. 3, p. 170.
3	July and August, 1870 ..	Islington (part of) ....	175	80	175	100	No evidence of typhoid fever at the premises; there was an underground water bank at the milk shop, communicating by means of rat burrows with two old drains; possible overflow of sewage from these into the tank from which the water was used to wash the milk cans.	Dr. E. Ballard, M. O. H. <i>Brit. Med. Jour.</i> , Vol. II, 1879, p. 589; <i>Med. Times and Gazette</i> , Vol. II, 1870, p. 611.
4†	August 28 to September 3, 1872.	Bergen .....	* 8 .....	.....	All.	100	Enteric fever at farm. Wife acted as nurse and distributed the milk. Explosive outbreak; all cases taken sick between August 28 and September 3.	Dr. Holmloe. <i>Norsk Mag. f. Lægerk.</i> , 1873, p. 654; Hirsch, <i>Handbuch</i> , Vol. I, p. 683.
5	July and August, 1872....	Armley, near Leeds ..	107	11	.....	.....	Traced to a milk farm where typhoid occurred in May, dejecta suspected to have been thrown on dung pit; in the latter part of patient's illness copious rains fell and probably washed the germs from the pit or polluted soil into the well, as about this time the cause of the fever began to operate among consumers of the milk.	Dr. E. Ballard, M. O. H. <i>Reports medical officer of privy council and local government board</i> , Vol. II, 1874, p. 79.
6	October and November, 1872.	Leeds.....	93	14	80	86	Typhoid fever at milk farm since September. Water supply pure, sick room communicated with kitchen and dairy, and the air of these premises common. Kitchen drain communicated with manure heap, and the privy which received typhoid excreta was overflowing.	Dr. M. K. Robinson, M. O. H. <i>Brit. Med. Jour.</i> , Vol. I, 1873, p. 68.
7†	November and December, 1872.	Moseley and Balsall Heath.	96	10	.....	.....	A case of what was no doubt typhoid fever occurred in a house located between two milk sellers; dejecta thrown into the privy from which the virus must have found ac-	Dr. E. Ballard, M. O. H. <i>Report medical officer local government board</i> , Vol. II, 1874, p. 92; <i>Brit. Med. Jour.</i> , Vol. I, 1873, p. 68.

8 <sup>th</sup>	January, 1873.....	Parkhead, Glasgow....	39	6	46	86	cess to the water of the milk sellers' wells. One of them polluted the milk, the other made no profession of selling it pure. Typhoid fever at dairy among the children in December. Milkers also nursed the affected children.	Dr. J. B. Russell, M. O. H. Glasgow Med. Jour.
9	April, 1873.....	Chester.....	15	.....	15	100	Cases of fever at the milk shop in latter part of 1872; a grocery and provision shop used also as a milk house.	Dr. E. Waters.
10	July and August, 1873..	Marylebone and adjoining districts.	244	26	218	89	Occupant of milk farm died June 8 of ambulant typhoid fever; dejecta buried in an ash heap, the soakings from which must have found access to the well used for dairy purposes.	Dr. J. N. Radcliffe and W. H. Power. Report medical officer local government board, No. II, 1874, pp. 108-136; Brit. Med. Jour., Vol. II, 1873, pp. 206, 207, 208.
11	July, 1873, to November, 1877.	Ascot.....	69	.....	58	84	No case of typhoid occurred at the milk farm till August, 1876, when the epidemic had lasted for three years. Contagion originally reached farm probably through the water entering the well in the yard, carrying the germs from elsewhere, after which the water used for washing milk was used as an opportunity of specific pollution at the farm.	Dr. E. Ballard. Brit. Med. Jour., Vol. I, 1880, p. 88; Report medical officer local government board for 1877, p. 89.
12	August, 1873.....	Brighouse, Yorkshire.	68	8	65	95	No typhoid fever at milk farm or dairy; cows' milk, milk from a cesspool. Complaints of the milkers' bodies and becoming offensive after standing awhile.	Dr. T. Britton, M. O. H. Brit. Med. Jour., Vol. II, 1878, pp. 287, 384.
13	August, 1873.....	Wolverhampton.....	63	14	.....	.....	Two children of dairyman sick with typhoid fever in August. Well within a few inches of old flat-bottomed brick-sewer. Epidemic stayed by cutting off the supply of pump water by this milkman.	Dr. J. H. Love, M. O. H. Brit. Med. Jour., Vol. II, 1873, pp. 287, 290, 384, 447.
14 <sup>th</sup>	May and June, 1874.....	Brierly Lane.....	65	4	50	76	First person attacked was the dairyman. Wife nursed him and milked the cows. The dairy well upon analysis was found "little better than filtered sewage;" no evidence, however, of specific pollution.	Dr. R. T. Thorne. Brit. Med. Jour., Vol. II, 1874, p. 391; Sanitary Record, Vol. I, 1874, p. 214.
15	June, 1874.....	Taunton.....	5	.....	5	100	No evidence of typhoid fever at the source of milk supply. Well water of the dairy subject to "fearful contamination with sewage."	Dr. H. J. Alford, M. O. H.
16	August, 1874.....	Queensbury.....	38	1	34	94	Farmer's wife sickened of typhoid during outbreak. Well close to house; drain roughly made of stone. Earth between drain and well saturated with sewage.	Annual Report of Medical Officer of Health for 1874.
17	October and November, 1874.	Dundee.....	19	4	19	100	Typhoid fever cases at farm; 4 patients occupied a bedroom adjoining the milk store. Well water reported to be contaminated with the products of decomposing organic matter of the nature of sewage.	Dr. G. C. Pirie, M. O. H. Brit. Med. Jour., Vol. I, 1875, p. 225.

• Families.

TABLE I.—*Epidemics of milk—typhoid*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
18†	February and March, 1875.	Crosshill, Renfrew- shire.	153	.....	.....	.....	Two of the farm children had suffered from the disease; dejecta thrown either on the manure heap or into the ditch. Nurses also connected with the collection and disposal of the milk. Well water quite im- pure.	Dr. H. D. Littlejohn and E. Dun- can, Brit. Med. Jour., Vol. I, 1875, p. 391; Sanitary Record, Vol. II, 1875, p. 61.
19†	August, 1875.....	Jarrow .....	34	2	81	91	Six of the farmer's family, including him- self, found ill with typhoid. Direct com- munication between dairy and sick room. Dairy also used as a washhouse. The daughter acted as nurse and milkmaid.	Dr. John Spear, M. O. H. Brit. Med. Jour., Vol. II, 1875, p. 372; Sanitary Record, Vol. II, 1875, p. 195.
20	September, 1875.....	Glasgow *.....	59	3	58	98	Two cases of typhoid at farm. Washing for patients done on August 3, 10, and 27, in a washhouse closely situated near the pump well. Water quite impure. Enteric fever at milk farm. Well highly polluted with refuse. Water used for cleaning milk utensils. No new cases after September 3, when customers stopped pur- chasing milk, except in one family, who continued to buy the milk.	Dr. J. B. Russell, M. O. H. Brit. Med. Jour., Vol. II, 1875, p. 585.
21§	Summer, 1875.....	Plon Holstein .....	(*)	.....	All.	100	Traced to the same milk supply as the epi- demic No. 18. No typhoid fever cases at farm, which, how- ever, depended for its water supply upon a brook which had been fouled with the excrement of men engaged in building a mill 200 yards off. There was "evidence that some individual who had used the stream had suffered from diarrhoea." (See above.)	Dr. Lübe, Allgem. Zeitschft. f. Epidem., 1876, Vol. II, p. 298.
22	September, 1875.....	Glasgow †.....	121	3	98	81		Do.
23	January and February, 1876.	(a) Eagleyand Bolton.	185	13	.....	.....		Dr. W. H. Power to local govern- ment board; J. Robinson, M. O. H. Brit. Med. Jour., 1876, pp. 201, 238, 278, 283, 491.
24	February, 1876.....	(b) Bolton Greenock.....	144 20	8	.....	.....		Brit. Med. Jour., Vol. I, 1876, p. 426; Sanitary Record, Vol. IV, p. 234.
25	Autumn, 1876.....	Churwell and Morley.	(*)	9	.....	.....		Dr. J. C. Clarke, M. O. H.
26	November, 1876.....	Great Coggeshall.....	28	.....	28	100	Imported case of typhoid fever at dairy; de- jecta thrown in a drain, emptying into a brook which was used for dairy purposes.	Dr. R. T. Thorne. Official report.



27	December, 1876.....	Salford.....	13	.....	13	100	16 cases of typhoid at the farm within 20 years. Well close to privy cesspool, and a yard or so off was a sink for dirty water.	Dr. J. Tatham, M. O. H. Annual report of medical officer of health for Salford, 1876-76.
28†	December and January, 1876-77.	Barrowford (Lancashire).	57	7	57	100	Recent cases of typhoid at farm. Milk tins washed with the same discloth as used among the fever patients; farmer nursed children and milked cows.	Dr. J. Dean, M. O. H. Medical Times and Gazette, Vol. I, 1877, p. 72.
29	1877.....	The Geornes Yately-fens.	7	.....	7	100	Milk dealer's son sick with typhoid fever. Milk stored in a pantry leading out of the living room of a small, overcrowded house. No details.....	Dr. H. F. Parsons. Report on sanitary condition of Ponsardurva rural district, 1880.
30	January, 1877.....	Greenock.....	20	2	16	80	Sudden and explosive outbreak traced to a milk supply with no evidence of enteric fever at milky shops or farms. Water supply contaminated with filth.	Dr. J. Wallace, M. O. H. Brit. Jour., Vol. I, p. 118.
31	February, 1877.....	St Pancras (part of northeast district of parish).	35	2	80	85	A case of typhoid fever at dairy communicated the disease to over 20 families.	Dr. J. Stevenson, M. O. H. Brit. Med. Jour., Vol. I, 1877, pp. 276 and 323.
32	August, 1877.....	Edinburgh, Coltbridge.....	.....	(?)	.....	.....	Milk supplied from various sources; no typhoid fever at the farms, but at one of them the sewage of the town flowed through the cow yard; in the village there had been cases of typhoid fever.	Brit. Med. Jour., Vol. II, etc., 1877, p. 332.
33	October and November, 1877.	Tunbridge Wells.....	63	.....	.....	.....	Milk supplied from various sources; no typhoid fever at the farms, but at one of them the sewage of the town flowed through the cow yard; in the village there had been cases of typhoid fever.	Dr. W. H. Rix, M. O. H.
34†	December and January, 1877-78.	Glasgow and Hillhead.	166	16	.....	.....	Typhoid fever at one of the supplying milk farms; nursing performed also by dairy bands; dejecta thrown into a channel running on each side of the central passage provided in byres for cattle droppings. From the middle of the byre the washing house was entered, and through this the milk house.	Dr. J. B. Russell, M. O. H. Brit. Med. Jour., Vol. I, 1878, pp. 101, 165, 270.
35	January to March, 1878.	Morsside, near Manchester.	32	3	29	90	Two deaths from typhoid at farm in February; well in close contiguity to ash pits, and water found to be sewage polluted.	Dr. E. Sutcliffe, M. O. H. Med. Times and Gazette, Vol. I, 1878, p. 517.
36	July and August, 1878..	Bristol.....	131	12	131	100	A young lady visited the farm in June, just convalescing of typhoid fever. One of the farm servants ill August 1. Cesspool overflowing and its contents were traced by a recurrent course to well, which was used for dairy purposes.	Dr. D. Davies, M. O. H. Brit. Med. Jour., Vol. II, 1878, p. 226; Sanitary Record, Vol. II, 1878, pp. 100-166.
37	August, 1878.....	Croydon.....	43	.....	37	77	A sudden and explosive outbreak traced to a milk supply, but no evidence of enteric fever at the source of supply.	Dr. C. W. Philpot, M. O. H. Annual report for 1878. Brit. Med. Jour., Vol. II, 1879, p. 675.
38	September, 1878.....	Portsmouth.....	153	.....	78	64	Farmer's children had typhoid fever and no doubt poisoned the well for two children who were out walking and drank water from this well were subsequently attacked. Milk supplemented from another farm where well was within a few feet of cesspool of a common privy.	Dr. G. Turner. Brit. Med. Jour., Vol. II, 1879, p. 675.

\*<sup>a</sup> Washington street epidemic. <sup>b</sup> And 30 suspicious cases. <sup>c</sup> Several cases. <sup>d</sup> Pollock, Shaw's road and Kingston epidemics. <sup>e</sup> A great number. <sup>f</sup> Several deaths. <sup>g</sup> There was also a supposed outbreak of milk typhoid at Bristol, 8 cases in 5 houses, in spring of 1880. Their common milk supply was the only connection.

TABLE I.—*Epidemics of milk-typhoid*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
39	September, 1878 .....	Colston, near Glasgow.	40	.....	40	100	Infected clothing brought to dairy farm to be washed. On the fourteenth and fifteenth days later symptoms of enteric fever appeared in persons receiving milk from this farm; also a convalescing child brought to farm. Water supply on premises deficient; shallow dip well, but not used for drinking purposes.	Dr. J. Christie. <i>Sanitary Record</i> , Vol. IV, p. 342.
40	October, 1878 .....	Perth .....	(*)	.....	.....	.....	All the families in which the disease appeared had their milk from one dairy.	<i>Brit. Med. Jour.</i> Vol. II, 1878, p. 645.
41†	November, 1878 .....	Huncoat .....	12	.....	12	100	Children of farmer sick with typhoid fever. Father would nurse the children and also attend to the cattle.	Dr. T. Dean, M. O. H. <i>Sanitary Records</i> , Vol. IV, p. 362.
42	..... do .....	Aberdeenshire .....	(*)	.....	.....	.....	Piggery close to milk room; bad drain passed under the pump whence the water for household use was procured.	F. A. McEwen. <i>London Practice</i> , 1881, XXVI, 161-164.
43†	December (Christmas), 1878.	Dublin .....	.....	.....	67	100	A probable case of typhoid at dairy in November and middle of December. "A strong wind blowing into the yard would certainly waft particles of cow-dung etc., from the dung heaps * * * to these minute portions of human excreta might have adhered." Nurses also connected with dairy.	Dr. C. A. Cameron, M. O. H. <i>Dublin Jour. of Med. Sci.</i> , July, 1879, Pt. I.
44	January, 1879 .....	Aberdeenshire .....	15	.....	.....	.....	Utensils washed from a well close to and under the level of the dunghill and open to any sewage that might percolate in that direction.	Do.
45‡	February, 1879 .....	Chichester .....	50	9	.....	.....	Milking bowl near a stream which receives large quantities of filth. Milkman washed udders of cows with water from this stream, which probably at the time contained the specific poison. Privy pit only 8 yards from well, but no history of any recent typhoid at the farm.	Dr. Hubert. <i>Ally. Brit. Med. Jour.</i> , Vol. II, 1879, p. 475.
46	October, 1879 .....	Bristol .....	(*)	.....	.....	.....	Milk traced to a suspected farm where there was no enteric fever, but water from pump in the dairy absolutely stunk when pumped and was described as "simply poisonous."	Dr. Davies, M. O. H. <i>Brit. Med. Jour.</i> , Vol. II, 1879, p. 625.
47†	January, 1880 .....	Penzance .....	26	4	26	100	Three cases of typhoid at the farm. The same person who milked the cows and attended to washing of dairy utensils also nursed the patients.	Dr. G. B. Millett, M. O. H. <i>Brit. Med. Jour.</i> Vol. II, 1880, p. 87.

48	April, 1880 .....	Glasgow .....	508	69	373	73	Dairyman of the farm sickened with enteric fever in March. Subsequently some of the children took sick and lay in bedroom next the kitchen; also dairymaid was taken sick and occupied a room above milk and wash-house. Soiled discharges from sick bed washed at dip well, probably also used for other domestic purposes.	Dr. J. B. Russell, M. O. H. Brit. Med. Jour., Vol. I, 1880, p. 986.
49	April, 1880 .....	Possilpark, Glasgow ..	92	.....	90	97	(See above, No. 42.) Dairyman supplied milk shops in Possilpark also.	Dr. J. Christie, Brit. Med. Jour., Vol. I, 1880, p. 864.
50	July to September, 1880.	Millbrook, Cornwall ..	19	.....	19	100	6 cases of typhoid fever within three weeks at milk seller's house; milk kept in a filthy apartment near a badly trapped and very offensive drain inlet, which drain communicated with another which had received infected excreta.	Dr. E. Ballard, Brit. Med. Jour., Vol. I, 1881, p. 20.
51½	September, 1880 .....	Rochdale .....	35	9	26	74	In a cottage between the farmhouse and shippen a woman had been suffering from typhoid fever, her excreta were thrown over the wall opposite the door into a cess-pool, from which the dip of the soil inclines towards the farm well; cattle also waded about this cesspool. Milk probably diluted.	Dr. Joseph Henry M. O. H. Brit. Med. Jour., Vol. I, 1880, p. 397.
52½	September and October, 1880.	Portsmouth, Cam- bridge Barracks.	7	.....	7	100	Milkman's son had fever with typhoid symptoms in a room upstairs and dejects had to be carried through the back kitchen used also as dairy. Infection either caused by absorption or by the act of milking being performed by attendants on the sick boy.	Surg. Maj. Jameson, Brit. Med. Jour., Vol. I, 1881, p. 61.
53	October, 1880 .....	Bridlington .....	45	8	48	100	Convalescent from typhoid fever visited the dairyman's house, probably in September. The outbreak occurred in the early part of October. Dairy well close to manure pile; privies only 13 yards distant; water evidently largely contaminated by sewage.	Dr. J. Allison, M. O. H. Brit. Med. Jour., Vol. II, 1880, p. 783.
54	October, 1880 .....	Marylebone (Clifton Hill, etc.).	9	97	17	100	N.B. All cases occurred about the same date. Invaded houses not on the same side of street, nor adjacent. Five out of six households invaded had their milk from one dealer.	Dr. A. W. Blyth, M. O. H. Brit. Med. Jour., Vol. I, 1881, p. 61.
55	October, 1880 .....	Southport .....	32	2	32	100	No typhoid fever at dairy, but well in close proximity and exposed to excremental pollution; water declared to be nothing but liquid sewage.	Dr. H. H. Vernon, M. O. H. Brit. Med. Jour., Vol. II, 1880, pp. 820-824.
56	October and November, 1880.	Worthing .....	44	8	44	100	A case of enteric fever in the house; excreta thrown into a defective drain, which was near the well used for dairy purposes; distinct evidence of soakage from this drain into well.	Dr. C. Kelly, M. O. H. Brit. Med. Jour., Vol. II, 1880, p. 824.

\* Several cases.

TABLE I.—*Epidemics of milk-typhoid*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
147 (11)	February, 1893.....	University of Virginia.	14	.....	14	100	These cases of a typical typhoid fever oc- curred among the students of the univer- sity, all boarding at the same hotel and consuming a particular milk supply from a dairy which is located on the banks of a creek which receives the sewage from one of the main university sewers. An ignorant negro, who lives 1 mile above the dairy, had typhoid fever during the pre- ceding fall, and his dejecta was thrown on the ground without disinfection. The milkman used creek water to wash the udder of the cows.	Dr. Wm. C. Dabney. Med. News, Philadelphia, 1893, LXIII, 680-682.
148	1893.....	E, near Strasburg.....	.....	.....	.....	.....	All the cases had milk from 1 milkman. 17 per cent of those who drank the milk had typhoid, while among 300 others there was no case; epidemic stopped on with- drawal of the milk.	R. G. Freeman, <i>ibid.</i> Reporter Schmidt. Hyg. Rundschau, 1894, p. 694.
149§	March to May, 1893.....	Louisville, Ky.....	54	3	44	82	Water used to cool milk cans after they were washed, and some of the water being left in the cans when milk was poured in. Eberth's bacillus found in this water. Epidemic ceased after stopping the sale of milk.	E. Hart, <i>ibid.</i> Reporters, Drs. Bailey and Tuiley. Report State Board of Health, Kentucky.
150 (12)	May, 1893.....	Oakland, Cal.....	362	.....	223	70	These cases occurred within one month, and as 70 per cent were consumers of milk from one particular dairy, a sanitary in- spection were made and revealed the fol- lowing facts: A typhoid-fever house in close proximity; dejecta thrown on the ground close to a small tank in the creek, from which a pipe supplied a large tank 75 feet below with water for dairy purposes; through this polluted water also flowed the cow manure.	Dr. S. M. Mouser. Occident. Med. Times, Sacramento, 1893, VII, pp. 503-504.
151†	July, 1893.....	Paisley, Renfrewshire	86	.....	86	100	This epidemic was traced to the consump- tion of ice cream made at the premises of a vender where an unreported case of ty- phoid fever was found, and that this pa- tient had remained in contact with the business during most of her illness.	Dr. Campbell Munro. Brit. Med. Jour., 1894, Vol. II, p. 823.

152	August, 1893	Po-toc-k	(*)	15	1	15	100	<p>All traced to milk from a suburban dairy found in a most insanitary condition; no privy, but a highly polluted well, which was used for washing the utensils and very likely also for adulteration.</p> <p>This limited epidemic was intimately connected with a certain milk farm the owner of which was obliged to use a neighbor's well, in whose family typhoid fever had occurred during the summer of 1892; three weeks after using this well the first case occurred at the milk farm, and shortly afterwards the owner of the well was also taken sick. This resulted in a cleaning of the well. This was found to be contaminated with a very foul sediment, a dead chicken, and other organic refuse. The season being unusually dry, and the ground water being low had resulted in concentration of the impurities, and as this well had been used for dairy purposes, it was doubtless the source of infection.</p> <p>In a very extensive epidemic of enteric fever a large share in spreading the fever was due to a particular dairy, where cases of typhoid fever existed and the wife who managed the milk business also nursed the sick children. There was, moreover, a direct connection between the sewer and the room in which the milk and utensils were kept.</p> <p>A serious outbreak was traced to a creamery receiving among others the milk from a farm where enteric fever had occurred, and which was handled by a person who also assisted in nursing those suffering from the disease. The cream had been separated and the skim distributed in due proportions among the different farms.</p> <p>Traced to a common milk supply, no evidence of typhoid fever at the milk farm, although the disease had prevailed in the vicinity; very insanitary conditions, such as liquid and semiliquid filth surrounding 36 cows. The epidemic speedily subsided after stoppage of the milk supply from this dairy.</p>
153	July, 1893	Vicinity of Bethesda, Montgomery County, Md.						<p>Dr. Leenberg, city physician quoted by Dr. Dornbuth. Jahrbuch f. Kinder Krankheiten, 1893, xxxvi, p. 181.</p> <p>Unpublished memoranda furnished by our friend Dr. George Lloyd Magruder, of Washington, D. C., and Dr. W. F. Elgin, of Montgomery County, Md.</p>
154	July to September, 1893	Shildon, Durham Co.						<p>Dr. Bruce R. Low. Report to the local government board on an outbreak of enteric fever at Shildon, London, April 28, 1894.</p>
155	1894	Castle Island, Ireland						<p>Brit. Med. Jour., 1894, Vol. 1, p. 815.</p>
156	January and February, 1894	Richmond Hill, Surrey County.		55		52	94	<p>Dr. Bowland and Seaton. Brit. Med. Jour., 1894, Vol. 1, p. 1325.</p>

• **Several cases,**

Dr. Lesenberg, city physician,  
quoted by Dr. Dornblüth. Jahrbuch  
f. Kinder Krankheiten, 1893, XXXVI, p. 181.

Unpublished memoranda furnished by our friend Dr. George Lloyd Magruder, of Washington, D. C., and Dr. W. F. Elgin, of Montgomery County, Md.

**Dr. Bruce R. Low.** Report to the local government board on an outbreak of enteric fever at Shildon, London, April 28, 1894.

**Brit. Med. Jour., 1894, Vol. 1, p. 815.**

Drs. Rowland and Seaton. Brit.  
Med. Jour., 1894, Vol. I, p. 1325.

All traced to milk from a suburban dairy found in a most insanitary condition; no privy, but a highly polluted well, which was used for washing the utensils and very likely also for adulteration.

This limited epidemic was intimately connected with a certain milk farm the owner of which was obliged to use a neighbor's well, in whose family typhoid fever had occurred during the summer of 1892; three weeks after using this well the first case occurred at the milk farm, and shortly afterwards the owner of the well was also taken sick. This resulted in a cleaning of the well, which was found to be contaminated with a very foul sediment, a dead chicken, and other organic refuse. The season being unusually dry, and the ground water being low had resulted in concentration of the impurities, and as this well had been used for dairy purposes, it was doubtless the source of infection.

In a very extensive epidemic of enteric fever a large share in spreading the fever was due to a particular dairy, where cases of typhoid fever existed and the wife who managed the milk business also nursed the sick children. There was, moreover, a direct connection between the sewer and the room in which the milk and utensils were kept.

A serious outbreak was traced to a creamery receiving among others the milk from a farm where enteric fever had occurred, and which was handled by a person who also assisted in nursing those suffering from the disease. The cream had been separated and the skim distributed in due proportions among the different farms.

Traced to a common milk supply, no evidence of typhoid fever at the milk farm, although the disease had prevailed in the vicinity; very insanitary conditions, such as liquid and semiliquid filth surrounding 36 cows. The epidemic speedily subsided after stoppage of the milk supply from this dairy.

TABLE I.—*Epidemics of milk-typhoid*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
157	March and April, 1894.	South Lambeth .....	59	10	55	93	Traced to a particular milk depot, affording no other evidence except unclean methods and a water supply subject to pollution from the yard drain. The water tank, on being emptied, contained a deposit of 4 inches of offensive matter; no bacteriological examination.	Brit. Med. Jour., 1894, Vol. I, p. 1149.
158	March, 1894.	Montclair, N. J .....	107	14			Of 4 families supplied with milk from a particular dairy, typhoid fever occurred in 28, or 68.6 per cent. Of 20 cases reported from Bloomfield and Glenridge, 18 were traced to the same dairy, where a case of typhoid occurred February 11, but the sale of milk was not stopped until March 28, and epidemic checked promptly after that date. In such dairy condition as dairy and polluted well water.	Dr. R. C. Newton. Med. Record, N. Y., 1894, XLV, pp. 713-715.
159	April, 1894 .....	Bacup .....	33	5	30	91	Dairyman who milked the cows was also the night-sales fender and probably con- veyed the germs to his own household.	E. Hart, <i>ibid.</i> Reporter. Dr. J. Brown, Annual Report of M. O. H. for 1894.
160	May, 1894 .....	Brixton .....	60	10			This epidemic was traced to a milk farm where the cows were partially fed on fresh grass cut from the fields of a sewage farm; it was also shown that water from a brook running through the same land, and pre- sumably contaminated, had been allowed to adulterate the milk.	Dr. Verdon, M. O. H. Brit. Med. Jour., 1894, Vol. I, p. 1112.
161	July, 1894 .....	Torquay .....	35	8	29	81	Typhoid fever among members of the farm- er's family; the first case developed in one who had come from Exeter within a week. Farm water supply reported as poor in quality.	E. Hart, <i>ibid.</i> Reporter. Dr. Kar- keet, M. O. H.
162	July, 1894 .....	Bayhead, N. J. ....	15	.....	15	100	This limited outbreak was confined to cus- tomers of a milk dealer who derived his supply from three dairies, at one of which a young man was taken sick July 1, with what proved to be a case of typhoid fever, and continued to milk his cows daily until July 11. The first case of typhoid fever among consumers of the milk occurred July 14, and the last case nineteen days after this patient stopped milking. How the infection could be conveyed may "be	Dr. W. H. Katzenbach. N. Y. Med. Record, 1895, vol. 47, p. 155.

163	August, 1894	Montclair, N. J.	19	1	47	100	<p>left to the imagination of those who are familiar with the personal habits of some who work on dairy farms."</p> <p>Fourteen of these cases found in close proximity to a bakery where ice cream was sold and made in a very filthy place. A case of typhoid had occurred at this bakery, and persons who made the ice cream also assisted in nursing. Of 10 cases, 8 had used ice cream or milk from this bakery, and the disease was promptly checked upon closing the bakery.</p> <p>Of the 47 cases it was shown that 45 had access to skimmed milk, 1 to buttermilk, and 1 to cream all obtained from a creamery where existed a case of typhoid fever in the person of the driver of the milk wagon and who was also associated with the manipulation of the skimmed milk.</p> <p>These cases occurred with wonderful rapidity in families served by a milkman living in a sparsely settled section of the city. Investigation revealed the fact that the wife was sick with fever and being nursed by the husband, who likewise was handling the milk and washing the cans from an old cistern. The patient was, moreover, cooped up in a chamber adjoining the kitchen, in direct communication with the milk room.</p> <p>This epidemic was traced to an unrecognized case at a dairy. The patient there was a woman 64 years old, who had been waited on by two other women, who also milked the cows, washed the milk vessels, and attended generally to the sale of milk. Many of the later cases of the outbreak were not directly attributable to the milk sale, secondary centers of infection having, as is quite common, been established.</p> <p>Consumers of raw milk were attacked more frequently and with greater certainty than those persons who took the milk in coffee or tea. The chief symptoms were headache, often diarrhea, sometimes nausea, characteristic temperature, and frequently abdominal rose spots. Traced to a milk farm, where a young woman who assisted in milking the cows and looked after cleaning the cows had been sick since and prior to the outbreak with what</p>
164	August 1 to September 15	Marlborough, Paysonville.	50	.....	19	.....	<p>Dr. Thomas Horton. Med. Rec., N. Y., 1894, XLVI, p. 651.</p>
165	September, 1894	Buffalo, N. Y.	19	.....	.....	.....	<p>Professor Bedgwick. Report of State board of health, Massachusetts. London Lancet, 1894, Vol. I, p. 806.</p>
166	December, 1894	Arbroath, Scotland	44	.....	.....	.....	<p>Ernest Wende, M. D. American Public Health Association, Vol. XXV, pp. 118-119.</p> <p>London Lancet, Vol. II, 1894, p. 1517.</p>
167	January, 1895	Great Harewood	80	5	.....	100	<p>Dr. Edward Sargeant. London Lancet, Vol. I, 1895, p. 1328, Brit. Med. Jour., Vol. I, 1895, p. 1110.</p>

TABLE I.—*Epidemics of milk-typhoid*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
7	January, 1895.....	Great Harewood.....					she thought from a cold. Upon examina- tion she was found with a coated tongue, a pulse of 108, temperature 102°, and a few days afterwards rose-colored spots appeared on her body—in fact, a typical case of ambulatory typhoid fever. The decline of the outbreak, allowance being made for the period of incubation, coin- cided with her withdrawal from the dairy operations.	Dr. Edward Sergeant, London, Lan- cet, Vol. I, 1895, p. 1828, Brit., Med. Jour. Vol. I, 1, 1895, p. 1110.
103	April and May, 1895....	Stamford, Conn.....	307				Traced to the premises of a milkman whose barn were in the rear of his lot, surrounded on all sides by dwellings and outhouses; his tank for cooling milk was fed from a well 124 feet deep and filled with water to within 14 feet of the surface. West of the pump were two outhouses, one 20 feet and the other 15 feet, each above the level of the bottom of the well, and the drainage from these led directly toward the pump. It is believed that the typhoid germs were brought to this neighborhood by Italians who had been at work in the vicinity of the dairy, and the disease was traced almost directly to their camp. The well water was examined by Dr. F. M. Prudden, and found to be swarming with bacteria. The dairy papers contain accounts of an epi- demic of typhoid fever which is prevailing in New Milford. The disease is said to have been distributed by milk obtained from a certain farm in the neighborhood. (Details.) In May 9, 23 cases had been reported. In 10 of these cases the milk was supplied from the same dairy, and the others from various sources. In 4 cases the milk sup- ply was from the Plumstead dairy, where the epidemic first broke out. This dairy has been closed by the authorities. Open tank in yard exposed to pollution and upon analysis declared unfit for drinking purposes. Bacteria found in tank water	Med. Record, N. Y., vol. 47, pp. 562, 627.
169	April and May, 1895....	New Milford, Conn....	23					Med. Record, N. Y., vol 47, p. 627.
170	June 22, 1895.....	Woolwich.....	19					Brit. Med. Jour., Vol. I, 1895, p. 1423.
171	May and June, 1895.....	Plumstead.....	177	23	159	90		E. Hart, <i>ibid.</i> Reporter, S. Davies; M. O. H. Public Health, January, 1896.



172	First half 1895	Raban, Disp. Dist., Co. Cork.	6	2	6	100	<p>closely resembling those found in the milk, pointing to entry of the former to the latter. Sudden outbreak 90 per cent of the cases in consumers of the implicated milk. Of 150 other houses not taking this milk only two had fever cases.</p> <p>Milk obtained from a creamery which obtained milk from many farmers. In each case the fact of the person attacked having used creamery milk was clearly proved.</p> <p>All these cases occurred along the route of a certain milkman, whose premises were found in a very insanitary condition. The wife of an employee was sick with typhoid fever, and this employee handled the milk while acting as nurse. The patient was removed to hospital and insanitary conditions removed, so that by August 30, 9 days after the disease first appeared along the milk route, no further cases were reported.</p> <p>Explosive outbreak in August affecting 22 cases. Dr. McVall believed that infection was brought from a neighboring village visited by the dairywoman 11 to 14 days prior to 9 of her customers falling sick.</p> <p>Case of typhoid fever at dairy in September. Dairy supplied to families, and 7 of these, or over 40 per cent, suffered.</p> <p>Water supply at dairy bad. Shippon in a milky state contained pigs' and cows' milk exposed to specific and polluted air and taken direct from the shippon to the cart. Relative of the milk dealer ill with typhoid fever. All the cases occurred shortly after the insanitary premises began to be used and ceased with stoppage of milk service.</p> <p>A boy working at dairy who had recently driven a night-soil wagon became sick with typhoid fever about the middle of October; a sister of the boy was taken sick 10 days later. Their mother nursed them and washed the dairy utensils, including a cloth strainer.</p> <p>Brook highly contaminated with sewage running through grazing meadow. Cows milked in the meadow under circumstances which may have led to pollution of the milk by the water of the brook. Persons using the milk spoke of its purrid and ropy condition on two or three occasions.</p>	E. Hart, <i>ibid.</i> Reporter, Dr. O'Connor, Cork Constitution, Aug. 20, 1895.
173†	August 21, 1895	Buffalo, N. Y.	18	.....	18	100	<p>Ernest Wende, M. D. American Public Health Association, Vol. XXV, p. 118.</p>	
174	August and September, 1895	Finty	22	2	.....	.....	<p>Dr. J. C. McVall, Brit. Med. Jour., 1896, Vol. II, p. 217.</p>	
175	October, 1895	Shettleston	35	2	15	.....	<p>R. G. Freeman; reporter, Wilson, Brit. Med. Jour., 1896, Vol. II, p. 214.</p>	
176	November, 1895	St. Helens, Lancashire	12	2	12	100	<p>E. Hart, <i>ibid.</i>; reporter, Dr. Robertson, Spec. report of M. O. H.</p>	
177†	November, 1895	Providence	30	3	30	100	<p>R. G. Freeman, <i>ibid.</i> Reporter Swarts Monthly Bull. R. I. Board of Health, December, 1896.</p>	
178	1895	Warminster	47	8	34	72	<p>E. Hart, <i>ibid.</i> Reporter, Dr. Flower, M. O. H.</p>	

TABLE I.—*Epidemics of milk-typhoid*—Continued.

No.	Date.	Date.	Num- ber of cases	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
179	March 9, 1886 .....	Buffalo, N. Y .....	14	.....	14	100	All these cases occurred along the route of a milkman whose milk room was in the rear of the first floor of the building. Several months previously a case of typhoid fever had developed on the floor above in a different family, probably in consequence of the insanitary conditions prevailing in and about the building, and for like reason, in the opinion of the reporter, the contagion remained active until finding expression in the dairyman's route. A quick subsidence of the epidemic followed on the suppression of the milk and a thorough cleansing and disinfection.	Ernest Wende, M. D. American Public Health Association, Vol. XXV, p. 119.
180	.....	Tripe .....	.....	.....	.....	.....	A farmer nursed his son sick with typhoid fever; twenty-one days later typhoid fever became epidemic in two institutions supplied by him with milk, as well as most of the families he supplied.	R. G. Freeman, <i>ibid.</i> Reporter, <i>Rouvier Le Lait</i> , p. 209.
181	May, 1886 .....	Kirkcaldy .....	191	.....	20	.....	Fifteen of the fatal cases came from the immediate neighborhood of the dairy. Scarcely a household into which the milk was introduced escaped invasion by fever. Intensity diminished, as a rule, inversely as the distance from the dairy. The epidemic ceased after closure of the dairy.	E. Hart, <i>ibid.</i> Reporter, Dr. Mackay, M. O. H. London Lancet, 1886, Vol. II, p. 914.
182	May, 1886 .....	Dublin .....	16	.....	.....	.....	Sir Cameron reported 2 daughters of the owner of milk shop ill with typhoid fever. The milk sold over the counter infected 14 other persons. He believed the milk was infected by absorbing exhalations from the dejecta of the patients while being carried down the stairs to be thrown into the water-closet. He placed some enteric dejections close to a vessel of milk, and in ten minutes found that it had become infected, as he supposed, by subsequent absorption.	Sir Chas. A. Cameron, M. O. H. Brit. Med. Jour., 1886, Vol. II, p. 441.
183	September, 1886 .....	County of Cork .....	35	.....	35	100	All of the patients had used separated milk from a creamery at Lisearroll, to which milk from an infected house had been sent during the illness of a typhoid fever patient.	Dr. Browne, M. O. H. London Lancet, 1886, Vol. II, p. 1500.

184	1896-97.....	Strassburg i. E.....					Dr. Sommerfeld reports an epidemic of typhoid fever in the barracks which was traced to specifically infected water with which the utensils were washed, and the milk adulterated; he also refers to a smaller epidemic reported by Rehn, in which the latter demonstrated in the milk the presence of the Bact. Coli commune.	Dr. Paul Sommerfeld, Heilkunde Wien, 1896-97, I, pp. 167-171.
185	1897.....	St. Just, Cornwall.....	23	3			The majority of these cases were traced to a common milk supply. Of 10 samples of the well water used for dairy purposes, only 2 were found to be fit for drinking purposes.	Mr. C. S. Iago, M. O. H. London Lancet, 1896, Vol. I, p. 267.
186	1897.....	Christiania.....					The reporter investigated an epidemic of typhoid fever in Christiania and was able to determine that the majority of the cases received their milk from a supply that was infected.	F. Harbitz, Norsk Mag. f. Lægevid., Aug., 1897.
187	October, 1897.....	Clifton and Hotwell's.....	244		230		Milk derived from a farm where the un-boiled water of a well evidently fed from a sewage-polluted brook was used for washing the milk cans.	Dr. D. S. Davies, M. O. H. London Lancet, 1898, Vol. I, p. 998.
188	November, 1897.....	Paterson, N. J.....	142		99		All but 5 of the cases received milk from the same creamery, where three sons of the proprietor either were or had been suffering from typhoid fever. The drain from the premises occupied by those patients reached a stream and emptied also within 15 feet from a spring. Water from both sources had been used for washing utensils. Eberth's bacillus claimed to have been isolated in the water. The patients also attended to dairy business during the early stages of the disease.	Dr. John L. Leal. Transactions of Med. Society, N. J., 1898, pp. 176-184; also London Lancet, Vol. I, 1898, p. 132.
189	1897.....	Liverpool.....					Some of the cases of typhoid fever had been distinctly traced to ice cream sold at a fair in a suburb of Liverpool; Dr. Hope had obtained some street-sold ice creams and had submitted them to Professor Boyce for bacterial examination; these had shown an enormous number of sewage bacteria. Dr. Hill was struck with the marked similarity between plate cultivations of the ice creams referred to and those of sewage. It was difficult to distinguish between them both from the number and the nature of the organisms present, many being identical in character and appearance.	Dr. E. W. Hope. London Lancet, Liverpool. Med. Instit., Vol. I, 1897, p. 1467.

TABLE I.—*Epidemics of milk-typhoid*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
190	January 16 to February 1, 1898.	Faterson, N. J.	27				19 of these cases were supplied with milk from a dairy where the milkman was sick with typhoid fever and had in the early stages of the disease been engaged in handling the milk. A serious outbreak of typhoid fever traced to the milk supply from two particular dairies.	Dr. John L. Leal, <i>ibid</i> .
191	September, 1898.	Aberdeen						London Lancet, 1898, Vol. II.
192	December, 1898.	New York City	17			13	In a district bounded by Mott and Walton avenues and 134th and 132d streets, 17 cases of typhoid fever occurred; all but 4 were traced to infected milk sold by a grocer in the neighborhood.	Medical News, vol. 73, 1898, p. 800.
193	1898.	Copenhagen.					Coron reports several small epidemics of typhoid fever due to obtained milk.	Coron K. Ugeskr. f. Læger København, 1898, 5, p. 194-96.
794	1898.	Lubeck, suburb of.	25		25	100	All of the cases had obtained their milk from one source, where the child of the milk dealer had an attack of typhoid fever, and the evidence pointed to the fact that the infection had probably been carried by washing the milk cans in water infected with the child's dejecta.	Riesch, Ztschrift. Med.-Beamte, Heft 3, 1898.
195	June and July, 1899	Edinburgh	14		14	100	All traced to one dairy which was found in an extremely insanitary condition. Behind the house was a very offensive manure pit and privy. The young son of the dairyman was stated to have suffered from inflammation of the bowels about the middle of June.	Sir Henry Littlejohn, M. O. H. Sanitary Record, Apr. 13, 1900, p. 310.

TABLE II.—*Epidemics of milk—scarlatina.*

No.	Date.	Place.	Number of cases.	Number of deaths.	Number of consumers of milk.	Percentage.	Circumstances of outbreak.	Reporter and reference.
1†	June, 1867 .....	Penrith.....	111	8	111	100	Scarlet fever at milkman's house. Cows milked by nurses. Milk kept in the back kitchen of the cottage.	Dr. M. W. Taylor. Brit. Med. Jour., Vol. II, 1870, p. 624.
2†	June and July, 1867.....	St. Andrews .....	26	2	26	100	Milk boy had sore throat and peeling off of the skin while carrying milk. Other cases at farmer's house. Wife nursed, and milked the cows.	Prof. O. H. Bell. Brit. Med. Jour., Vol. II, 1870, p. 489.
3	1872.....	.....	21	.....	21	100	Forty-one children in a particular locality attacked within a fortnight, supplied with milk from a house where several children were ill of scarlatina.	Dr. M. K. Robinson, M. O. H. Annual Report of Medical Officer of Health, 1872.
4	June, 1875 .....	South Kensington.....	19	.....	19	100	This epidemic affected a number of guests and servants of a house who had partaken of cream in one form or other on June 9, 1875. First cases occurred between June 11 and 14. Mode of transmission unexplained.	Dr. Geo. Buchanan. Report of Medical Officer of local government board, No. VII, 1876, p. 72.
5	July, 1876 .....	Handsworth.....	37	4	37	100	Scarlet fever at dairy in the middle of June. Some of the milk and pans kept in the house; the dairy room communicated directly by a doorway with one of the living rooms.	Dr. J. B. Welch M. O. H. Brit. Med. Jour., Vol. II, 1876, p. 225.
6	April and May, 1877 .....	New Barnet.....	140	.....	131	93	The epidemic burst upon the district very suddenly, 128 cases occurring between April 29 and May 4; in addition to the scarlet fever cases there were 12 of sore throat. Dr. Saunders says that the cause of the epidemic must be regarded as an accident.	Dr. C. E. Saunders, M. O. H. Sanitary Record, Vol. VII, 1877, p. 69.
7†	June, 1878 .....	High Ashurst and Headley.....	20	2	.....	.....	First cases in the children of a cowman, who nursed the patients and milked the cows, though he did not himself have the fever and the milk was not taken into his cottage.	Dr. E. L. Jacob, M. O. H. Brit. Med. Jour., Vol. I, 1880, p. 139.
8	May and June, 1879.....	Westgate, Newcastle-on-Tyne.....	23	10	.....	.....	This very malignant epidemic was traced to a particular dairy, where no scarlet fever existed, although prevalent in close proximity. The surroundings favored directly or indirectly the contamination of the milk with organic matter which frequently smelled offensively.	Dr. H. E. Armstrong, M. O. H. Brit. Med. Jour., Vol. II, 1880, p. 671.

TABLE II.—*Epidemics of milk—scarlatina*—Continued.

No.	Date.	Place.	Num-ber of cases.	Num-ber of deaths.	Number of con-sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
9†	August, 1879 .....	Fallowfield, near Manchester.	35	.....	35	100	Twenty-four of the cases occurred within a space of thirty-six hours; no scarlet fever at farm or dairy and no disease among the cows. One of the milkers lodged, however, where his grandchild was lying in the full height of desqua-mation after scarlet fever.	Dr. H. Alry. Brit. Med. Jour., Vol. I, 1880, p. 107.
10	July and September, 1880.	Paddington and Bays-water.	84	.....	.....	.....	Scarlet fever at milk farm among the chil-dren of the milkers; there were two dis-tinct outbreaks, one at the end of July, the other at the end of September.	Dr. I. Stevenson, M. O. H. Brit. Med. Jour., Vol. II, 1880, pp. 596, 632.
11	October, 1880 .....	Dundee .....	.....	.....	.....	.....	No case at farm, but female servant visited a house and contracted the disease, which was communicated to a person connected with another dairy.	Brit. Med. Jour., Vol. II, 1880, p. 790.
12	(November, 1880, and January, 1881.	Ilkley, Yorkshire.....	10 9	.....	10 8	100 88	(Infection probably conveyed from a fever house spread by the dairyman, who was in the habit of taking his milk can into the house.)	Dr. T. Scott. Brit. Med. Jour., Vol. I, 1881, p. 604.
13†	January, 1881 .....	Bromley (Kent) .....	.....	.....	.....	.....	This sudden outbreak affected 18 families, supplied from a particular dairy where one of the employees continued at work while 4 of his family had scarlet fever at home.	Dr. C. O. Baylis, M. O. H. Brit. Med. Jour., Vol. I, 1881, p. 314.
14†	January, 1881 .....	Halifax.....	510	86	.....	.....	The farmer's man who milked the cows and brought the milk to the customers in Hal-ifax had 4 children ill of scarlet fever, and probably helped to nurse them.	Dr. Ainley and E. Ballard. Brit. Med. Jour., Vol. I, 1881, p. 255; Vol. II, 1881, p. 485.
15	April, 1881 .....	Keswick.....	(?)	(?)	(?)	.....	The dairy adjoined a house where scarlet fever had existed for several weeks. Cows milked into an open tin can, which was car-ried across an open yard past the affected house, 30 to 40 families being invaded.	Dr. I. Robertson, M. O. H.
16†	April, 1881 .....	.....	.....	.....	.....	.....	Milk seller engaged in distributing milk during the illness of her children, whom she nursed during an attack of scarlet fever.	E. Hart. Reporter, Dr. Love, M. O. H. Brit. Med. Jour., 1881, Vol. I, p. 819.
17†	October, 1881 .....	Greenock.....	100	.....	.....	.....	Investigation showed that cases of scarlatina had been recently in farmer's family. Nearly all the families attacked derived milk from this source.	E. Hart, <i>ibid.</i> Brit. Med. Jour., 1881, Vol. II, p. 717.

18	January, 1882.....	Greenock.....	20	100	All traced, between January 19 and February 1, to a milk supply derived from a farmhouse where 4 children were sick with scarlet fever. The milk supply was at once stopped.	Dr. Wallace, Brit. Med. Jour., 1892, Vol. II, p. 437.
19*	January 14-30, 1882.....	Charing Cross.....	13	.....	One of the dairy hands in London first showed symptoms of sore throat January 14, and on the following day one of his children developed scarlatinal rash. There was no scarlet fever at the farm or for miles around, but Dr. Klein ascertained that a cow calved about the early part of January, and on February 14, at his investigation, he noted that she had been and there lost portions of her coat, and that her buttocks and posterior udder were foul and stained by excremental matter, and concluded that he had to deal very likely with puerperal scarlatinal infection from the cow as puerperal fever in women was not infrequently due to scarlatinal infection.	Dr. W. H. Power. Report medical officer local government board 1882, No. XII, pp. 65-71.
20*	January 14, 1882.....	Camberwell.....	39	82	Milk supplied from above dairy .....	Do.
21*	January, 1882.....	St. Giles, St. Pancras, Marylebone.	32	32	Case of scarlet fever at dairy, four deaths among drinkers of the milk.	Do.
22	1882.....	Sunderland.....	4	100	Mr. Mason discovered scarlatina at five centers in the town, each having its origin in a certain dairy or milk shop where there was a child sick with scarlet fever. Outbreak connected with a particular milk supply.	R. G. Freeman, N. Y. Med. Record, Vol. XLIX, p. 41, from Brit. Med. Jour., 1882, Vol. II, p. 100.
23	1882.....	Hull.....	.....	.....	This epidemic was traced to a particular milk supply, and the cases really consisted of 10 of scarlet fever, 18 of sore throat, and 1 of diphtheria. Investigation showed that a case of scarlet fever occurred at dairy February 27, and that this case had been preceded by a case of diphtheria next door to the dairy.	E. Hart, ibid, Rep. J. Mason, M. O. H. Brit. Med. Jour., Vol. I, 1883, p. 334.
24	January, 1882.....	Bloomsbury.....	.....	.....	The first case occurred in the person of a milk dealer who took sick with what he considered an ordinary cold on October 6. One of his children became affected about eight days after; no medical man was called in to see these first cases.	Mr. W. H. Power, quoted by Prof. A. M. Davies, Prov. Med. Jour., Leicester, 1889, Vol. VIII, p. 387.
25	February and March, 1882.	Oxford.....	29	29	.....	Dr. S. D. Darbishire, St. Barth. Hosp. Reports, XX, 1884, pp. 93-100.
26†	October and November, 1882.	Greenock.....	47	12	.....	Dr. Wallace, M. O. H. Brit. Med. Jour., 1882, Vol. II, p. 1825.

\* Families.

TABLE II.—*Epidemics of milk—scarlatina*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
27	July, 1892.	Sunderland					Mr. Harris accidentally discovered the existence of scarlet fever in a dairy, and upon inquiry among people in whose homes deaths from the disease had occurred, it was shown that in four such instances the people had been supplied with milk from the infected source. Mr. Harris was unable to discover how many nonfatal cases owed their origin to this source.	Brit. Med. Jour., 1892, Vol. II, p. 100.
28†	April, 1893	Wolverburgh					Scarlet fever at milk seller's house. Of 16 families attacked, 9 were supplied with the infected milk.	Brit. Med. Jour., 1893, Vol. I, April 21, 1893.
29†	October, 1893	Dundee	17	5	17	100	Epidemic traced to a farm where there was a boy sick with scarlet fever, and his nurse also milked and handled the milk in question.	Lancet London, 1893, Vol. II, p. 699; Brit. Med. Jour., 1893, Vol. II, p. 839.
30†	August, 1894	do					A large number traced to a milk farm where one of the boys employed suffered from the disease but continued at work. Milk supplied stopped and epidemic checked.	Brit. Med. Jour., 1894, Vol. II, p. 433.
31	October, 1894	Greenock					An extended outbreak invading some 30 families mostly supplied from one source. The sanitary conditions at dairy warranted the stoppage of the milk.	Brit. Med. Jour., 1894, Vol. II, p. 924.
32	January, 1895	Falsley					Scarlet fever reported as exceedingly prevalent in one district of the town. Milk taken from a dairy where one of the children was suffering from the disease.	Brit. Med. Jour., 1895, Vol. I, p. 41.
33†	May and June, 1895	Rosstock	8		8	100	Directly traced to a milk farm where scarlet fever prevailed and convalescents assisted in milking.	Dr. T. Dornbühn. Jahrbuch f. Kinderkrankheiten, Leipzig, 1895, XXXVI, pp. 174-191.
34*	November and December, 1895	Marylebone and St. Pancras.					This epidemic is believed to have been directly contracted from a peculiar disease affecting the cows, and which Dr. Klein believed to be identical with human scarlatina and isolated a micrococcus. (Hendon disease.)	Dr. A. W. Blyth. Brit. Med. Jour., 1896, Vol. I, p. 223. W. H. Power. Report medical officer local government board, 1895, pp. 73-84.
35*	December, 1895	Dorset Square	60		60	100	All patients had consumed milk from the Hendon dairy. Persons who drank only bottled milk were spared.	Dr. A. W. Blyth. Brit. Med. Jour., 1896, Vol. I, p. 223.
36	1896	St. George, Hanover Square.					A limited group of cases supposed to have been due to the consumption of condensed	Dr. Corfield. Brit. Med. Jour., 1898, Vol. II, Sept. 22.





TABLE II.—*Epidemics of milk—scarlatina*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
45	January and February, 1888.	Tesmond, Newcastle.	19	.....	19	100	Traced to a milk farm where scarlet fever had occurred several months previously, and the cows presented evidence of hav- ing been recently sick, such as denuded hair, etc.	Dr. H. E. Armstrong. <i>Public Health</i> , May and October, 1888.
46*	March 15 to April, 1888.	Garnethill, Glasgow.	96	3	96	100	Traced to consumers of a particular milk supply; no scarlet-fever cases at dairy or milk farm to account for outbreak. One of the cows was found thin and mangy looking, casting hair generally; several sorts on tests covered with bloody scabs. A calf fed on this milk was seized with a high fever which nearly killed it, but from which it is now recovering, with loss of hair and copious casting of the skin.	Dr. J. B. Russell, M. O. H. Sanitary Journal, Glasgow, 1888-89, n. s., XII, pp. 70-74.
47	June, 1888.	Pollokshiels, Glasgow	70	.....	.....	.....	Traced to a particular milk farm where scarlet fever prevailed. A milkmaid was one of the victims, and while sick con- tinued at work.	Dr. Carmichael. <i>Brit. Med. Jour.</i> , 1888, Vol. II, p. 82; <i>Lancet</i> , London, 1888, Vol. II, p. 179.
48	July 2-14, 1888.	Tesmond, Newcastle.	116	.....	.....	.....	These cases occurred in 63 families sup- plied by the same dairymaid, and all took sick within a week with scarlet fever, sore throat, etc. Three of the children at milk farm exhibited certain symptoms of redness of the throat, tonsils, and fauces, but no signs of desquamation.	Dr. H. E. Armstrong. <i>Sanitary Record</i> , London, 1888-89, n. s., X, p. 64.
49	August, 1888	Newcastle	74	.....	61	67	Milk derived from a farm where there was throat disease in the family of one of the dairy helpers; there were also 5 out of 24 cases of diphtheria among drinkers of the same milk.	Dr. H. E. Armstrong. <i>Public Health</i> , September, 1888; quoted by Dr. A. M. Davies, <i>ibid.</i>
50	September and October, 1888.	Garnethill (Park epidemic, Glasgow).	56	.....	.....	.....	Traced to a particular milk supply distrib- uted from a shop where cases of scarlet fever and sore throat were found.	Dr. J. B. Russell. <i>Sanitary Jour- nal</i> , Glasgow, 1888-89, n. s., XII, pp. 268-270.
51	October, 1888.	Spennymoor, Durham County	83	15	.....	.....	Attributed to a contaminated milk supply (doubtful evidence).	Dr. David Page. Report to local government board, London, 1889, p. 9.
52	October, 1888.	Greenock.	55	.....	.....	.....	The majority of cases occurred among the well-to-do customers of a particular milk seller, who evidently had an infected calf and quite innocently sent out the infected milk.	<i>Brit. Med. Jour.</i> , 1888, Vol. II, p. 956.

53	December, 1888	Govan	37	35	94	Of 74 families supplied with the suspected milk the disease appeared in 23 families and furnished 33 cases, while there were only 2 cases among 433 families supplied from other dairies. Origin not determined. Traced to a milk shop where there was a keeper, whose family occupied the back kitchen. Shop promptly closed. Have occurred within pistol shot of one another and attributed to infected milk. All traced to a particular milk supply believed to be infected by a diseased cow among the dairy stock. Milk derived from a dairy where 2 cases of scarlet fever had occurred.	Sanitary Record, February, 1889.
54	.....do	Ibroy and Paisley road.	35	35	100		Dr. Geo. McKay. Sanitary Journal, 1888-89, XII, p. 341.
55	January, 1889	Hillhead and Patrick, Glasgow.	.....	.....	.....		Brit. Med. Jour., 1889, Vol. I, 34.
56*	February, 1889	Macclesfield, Upton	47	47	100		Dr. H. F. Parsons. Report medical officer, local government board, 1889, pp. 89-114.
57	October, 1889	Kilmarnock	12	10	100		Dr. J. C. McVail. Sanitary Journal, Glasgow, 1890-91, n. s., XIV, pp. 73-75.
58	1889	Macclesfield	100	.....	.....		B. G. Freeman. <i>ibid.</i> Brit. Med. Journal, 1889, Vol. I, p. 337.
59	March, 1890	Brewster, Putnam County, N. Y.	24	24	100	Traced to one milk supply. In uptown district fifteen or twenty houses involved received contaminated milk. No scarlet fever at dairy. The daughter of a dairyman was taken with scarlet fever the day after her arrival in New York City. Two weeks after her recovery she returned home; two weeks later her youngest sister, who slept with her, presented evidence of the disease, followed three weeks later by a number of cases in the village. The milkman had washed and wiped his cans with white flannel cloths left in the barn by a peddler of rags, which were probably the cause of first infection. An explosive outbreak traced to a milk farm where there was no other evidence except a sick milch cow, pronounced by the veterinarian to be suffering from "bovine tuberculosis." In this epidemic of scarlet fever a large number of adults were attacked in proportion to children. Adults partook of the poison in the form of cream in tea, which seems in certain cases to increase the virulence of the poison. These cases were all traced to two milk rounds and two dairy farms located in a fever district, and infection possibly conveyed by workmen who lived in infected localities. No scarlet fever at farms.	Dr. L. H. Miller. Med. Record, N. Y., 1890, XXXVII, p. 587.
60*	June, 1890	Crosby, Liverpool	30	80	100		Mr. Limrick, M. O. H. Lancet, London, 1890, Vol. I, p. 1315.
61	January, 1891	Edinburgh	.....	.....	.....		Dr. Harvey Littlejohn. Lancet, London, 1891, Vol. I, p. 109.
62	.....do	Bristol	250	15	34		Dr. S. S. Davies, M. O. H. Public Health, 1891-92, vol. 4, p. 362.

TABLE II.—*Epidemics of milk—scarlatina*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
63†	1891.....	England.....	.....	.....	.....	.....	A limited outbreak of scarlet fever, which appeared to be due to milk. Preceding the outbreak one of the cows at the suspected dairy had had an eruption on the udder, but almost by accident I discovered that a boy not residing at the dairy and who had casually been employed to milk had, just previous to the outbreak and when milking, suffered from a slight sore throat. *	Dr. W. N. Thursfield. Public Health, 1891-92, vol. 4, p. 188.
64†	February, 1891.....	Cardworth.....	5.....	.....	.....	.....	Traced to a particular milk derived from a farm where one of the dairy hands was convalescing from scarlet fever.	Dr. B. Hill. Public Health, London, 1890-91, Vol. III, p. 487.
65*	March, 1891.....	Manor Hill and Clifton Road, Sutton, Coldfield.....	40.....	5.....	30.....	75.....	Traced to a milk farm with no other evidence except sickness among dairy stock, indications of recent ulceration on the teats, and prodromic eruptions on the milk supply stopped and with cessation of one or two prodromic cases, no further cases arose in that part of the borough. This outbreak was traced to a dairy where a case of scarlet fever had occurred and, as convalescent, was prematurely permitted to handle milk and utensils.	Dr. B. Hill. Public Health, London, 1890-91, Vol. III, pp. 487-491; Brit. Med. Jour., 1891, Vol. II, p. 136.
66†	October, 1891.....	Whitechurch.....	(*).....	.....	.....	.....	This sudden outbreak was traced to a common milk supply; no evidence of human infection, but cows suffered from an eruption on udder.	Dr. Pritchard. Brit. Med. Jour., 1891, Vol. II, p. 1179.
67*	Nov 1891.....	Bushhill Park.....	33.....	.....	33.....	100.....	This epidemic traced to a common milk supply from a farm at which no trace of infection could be found, except scabs and excoriations of the udder and teats among cows.	Dr. S. M. Copeman. Report medical officer local government board, 1891-92, XXI, pp. 69-78.
68*	March and April, 1892..	Charlton, SE. London.	57.....	.....	.....	.....	Epidemic traced to a common milk supply from a farm at which no trace of infection could be found, except scabs and excoriations of the udder and teats among cows.	Dr. Hamer. Public Health, 1891-92, Vol. 4, p. 366.
69†	March and April, 1892..	Upper Clapton.....	145.....	.....	.....	.....	Outbreak connected with a particular milk supply traced to a dairy where the child of one of the employees had scarlet fever.	Dr. J. King Warry. Practitioner, London, 1892, XLIX, pp. 63-78.
70	April, 1892.....	H nds orth.....	143.....	1.....	89.....	62.....	Traced to a certain milk supply, but contamination of the milk not explained, unless due to a mild cow infection or to a polluted water supply.	Dr. J. B. Welch. Public Health, London, 1892-93, V, 76-78.
71	May and June, 1892.....	Aston Manor.....	97.....	.....	62.....	64.....	Connected with a certain milk supply, but infection not explained, unless of a bovine origin.	Dr. Henry May. Public Health, London, 1892, 8 v., p. 79.

Drs. J. B. Russell and Arch. K. Chalmers. Glasgow Med. Jour., 1893, XXXIX, pp. 1-22.

London Lancet, 1892, Vol. II, p. 733.

R. G. Freeman. Ibid. Dr. Carpenter. Arch. Pediatrics, 1894, p. 291. Reporter, J. Cook. Rep. med. officer of health.

Dr. Searlyn Wilson. Brit. Med. Jour., 1894, Vol. I, p. 815.

Dr. A. K. Chalmers. Brit. Med. Jour., 1894, Vol. I, p. 426; Glasgow Med. Jour., 1894, XLII, pp. 117-127.

E. Hart, ibid.; Dr. Rowland, M. O. H. Annual Report for 1894.

Dr. Shirley Murphy. The Lancet, 1894, Vol. II, pp. 449, 910.

72*	August, 1892	Glasgow	224				This epidemic affected members of 94 families who obtained their milk from a certain farm where there was no evidence of scarlet fever, but an epidemic teat eruption among the milch cows. Most of the cases confined to customers of a certain milkman, who derived his supply from a farm where scarlet fever prevailed.
73	September, 1892	Leyton, Essex				100	Scarlet fever at dairy
74	October, 1892	Glasgow	12		12	100	Milk used only at the farm and one other dwelling; four cases occurred in one day; the other appeared in the case of a visitor who stayed overnight, partook of the milk, and contracted the disease. Suspected udder eruption in two cows at the farm. All had procured milk from the same milkman, in whose household were found two cases. The inquiry was extended to the dairy farm, where were found two cases in the desquamative period occurring respectively in a child aged 7 and in a young man of 19. The latter while convalescing assisted in the milking and handling of the milk. No further cases after stoppage of the supply.
75	.....do	Langham, Essex	5		5	100	This limited epidemic invaded 26 houses, 18 of which had been supplied with the same milk. No scarlet fever at milk farm, but the cattle "were found to be all more or less suffering from febrile disturbance."
76†	Fall of 1893	Buffalo, N. Y.	57		57	100	This epidemic was traced to the milk from two dairy farms. At one of these a boy simply suffered from sore throat early in December, which induced scarlet fever in others. At the other farm some of the dairy employees developed scarlet fever and had kept at work for one or more days after illness.
77*	November, 1893	Hastings					Prevalence of scarlet fever in the vicinity of the farms supplying milk to dairy. All the cows, save three, were consumers of the same milk.
78†	December, 1893	Glasgow	30		28	93	The epidemic invaded families served by the same milk dealer. One of the employees had scarlet fever (unknown to him at first) and actually went about delivering milk while the rash was out upon him. Strong suspicion that the disease originated from the cattle.
79	February, 1894	Richmond Surrey	55		52	95	
80†	March, 1894	Blackheath	89	1			

\* Several cases.

TABLE II.—*Epidemics of milk—scarlatina*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
81	April, 1894.....	Patrick.....					This limited epidemic was traced to a milk farm in Dumbartonshire which supplied Patrick with the milk, and several cases of scarlet fever had occurred there.	The Lancet, Vol. I, 1894, p. 1101.
82	August, 1894.....	Wolverhampton.....	55	1	15	27	A child desquamating after scarlatina was going about freely in the cottage of the shepherd who regularly assisted the cowman in milking. Incidence limited between August 13 and September 2.	E. Hart, <i>ibid.</i> , Dr. Malet, <i>Rep. M. O. H.</i>
83	October, 1894.....	Shirley, Warren, Southampton.	9		9	100	These cases were traced to a dairy where there had been an unrecognized case of scarlet fever. In a cottage, under the same roof as the milk, was found a case in the "desquamative" stage.	Dr. George H. Weston. <i>Brit. Med. Jour.</i> , 1894, Vol. II, pp. 936-1408.
84	1894.....	Lewisham.....					Very extensive, sudden, and threatening; traced to one dairy farm on which several cases of scarlet fever existed.	R. G. Freeman. <i>Ibid.</i> , Dietet. and Hygienic Gazette, 1894, p. 246.
85	February, 1895.....	Stroud Green.....	200-187				Of 80 cases in hospital, 58 had suspected milk. On Jan. 8 a case of scarlet fever on the farm supplying the milk, followed by a bad sore throat in the nurse.	R. G. Freeman. <i>Ibid.</i> , <i>Rep. Clothier. Brit. Med. Jour.</i> , 1895, Vol. I, p. 549.
86	February, 1895.....	Hornsey sanitary dis- trict.	233				Certain of the farms from which the dairy in Hornsey drew its milk supply were either in or close to a village in which scarlet fever had been prevalent, though in a very mild form, since the summer of last year, so that the school at Hutton, the village in question, was closed, and it was found that at one of the milk farms the milk was actually under the same roof with a case of scarlet fever which occurred there January 8. As has been observed in previous epidemics of scarlet fever disseminated by milk, the type of the disease appears to have been mild, as no death from the disease has been reported.	<i>Brit. Med. Jour.</i> , Vol. I, 1895, p. 550.
87	April, 1895.....	Hornsey.....					The outbreak of scarlet fever in North London just referred to has been followed by a smaller one, which, from the remarks of the chairman of the Hornsey district council, appears to have been traced to	<i>Brit. Med. Jour.</i> , Vol. I, 1895, p. 773.

88	1896	East Orange, N. J.					one dairy. It was stated that the milk was distributed by two men, and that at the houses at which one of these men delivered milk there were no cases at all, while at those at which the second man delivered there were 10 or 16 cases of scarlet fever. At this man's house a child had suffered from scarlet fever, and during the summer of infection, as having taken place by infected clothing, and the germs were most likely conveyed into the milk while this man rushed his arm into the big can to fill the little ones during his rounds.
89†	1897	Plainfield, N. J.					Nearly all the victims in this group are grown persons, and the sanitary officers claim to have obtained conclusive proof that the germs were brought to the affected families in milk supplied by a man whose helper in the dairy was convalescent from the disease.
90	1897	Montclair, N. J.	27	1			The outbreak was traced by the board of health to the milk furnished by a wholesale dealer. One of the employees, who was sick with scarlet fever, continued to assist in handling the milk.
91†	1897	Halifax, urban district.					The cases occurred nearly all among families supplied with milk from one dairy. Dairymen had bought some milk from outside, and it was supposed that this milk had been contaminated with the scarlet fever virus. No cause of contamination of the milk could be found.
92†	1897	Torquay					All affected derived their milk supply from two purveyors, who obtained the milk from a farm where was found a boy with a well-developed rash and sore throat, moving freely about the premises. Farmer himself was in bed with sore throat, wife showed signs of desquamation, while an older son, aged 19, who took the milk into the town, had also a sore throat. In this epidemic the infection was traced to a farm some miles from Torquay, where was found a sick child seated in the living room common to the whole family. Farmer's wife nursed the child and attended to the dairy, and this part of the house was separated by a door from the living room, which was constantly being used.

Medical News, vol. 70, 1897, p. 856.

R. C. Newton, M. D.

Dr. Ainley, M. O. H. London Lancet, 1896, Vol. II, p. 503.

Dr. Kardeck, M. O. H. Sanitary Record, Feb. 18, 1896, Suppl. p. 12.

TABLE II.—*Epidemics of milk—scarlatina*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
93	November, 1897.....	Norwalk, Conn.....	.....	.....	.....	.....	This epidemic, which appeared two weeks before publication, extended rapidly; 19 new cases were reported Nov. 8. All the cases occurred in families supplied by a certain milkman charged with having bought his milk from a farmer whose children were suffering from scarlet fever. All the cases had obtained directly or indirectly milk from a certain farm where several members of the household had suffered from sore throat, probably a mild scarlatina infection. Official investigation traced the mischief to a dairy farm, where four persons were found infected with scarlet fever, one of whom, a convalescent, was engaged in milking the cows and handling the cans and utensils; action was taken to prevent further injury from the milk, with the result of arresting the progress of the disease.	Medical News, vol. 71, 1897, p. 666.
94	April, 1898.....	Aberdeen, 49.....	.....	.....	.....	.....	All were traced to a dairy farm where was found a girl suffering from sore throat; also helped to milk the cows and attended in the shop. These cases were scattered over the city, but believed to have been all supplied with milk from a farm where the daughter and a maid servant had developed scarlet fever. Within one week after removal of the patients and disinfection of the premises the outbreak ceased.	Dr. Mathew Hay, M. O. H. Sanitary Record, June 3, 1898, p. 599.
95	February 27, 1899.....	Buffalo, N. Y.....	20.....	.....	20.....	100.....	All were consumers of milk derived from an infected milk farm. The first cases were reported December 28. Upon investigation one it was found that a young girl who was employed in milking the cows notified December 28 that her face was feeling slightly, and that she had a sore throat a week before. A young man, also employed at dairy, developed a sore throat December 24, but was better within two days.	Sir Henry Littlejohn, M. O. H. Sanitary Record, Apr. 13, 1900, p. 310.
96	February, 1899.....	Edinburgh.....	11.....	.....	H.....	100.....		Sir Henry Littlejohn. Ibid.
97	August 9, 1899.....	do.....	18.....	.....	18.....	100.....		
98	December, 1899.....	Edinburgh.....	42.....	.....	42.....	100.....		



99 December, 1899..... Washington, D. C..... 61 ..... 61 100

It was noticed about December 28, that this disease was occurring with great frequency among the customers of a certain dairy-man. On December 30, the medical inspector found a child of the man who served the milk to the infected families sick and had been so since December 25. No distinct eruption on the body, except a very slight redness on the arms and about the wrists; this same child, however, when seen again January 13, 1900, presented unmistakable evidences of scarlatina, desquamation about the groin and hands and had a suppurating abscess of the glands about the neck. Orders given to remove dairy cows, etc., to another location a mile or more distant, and, after thorough disinfection, cases ceased.

Dr. John E. Walsh. Report of Health Officer, D. C., 1900, p. 46.

TABLE III.—*Epidemics of milk—diphtheria.*

No.	Date.	Place.	Num-ber of cases.	Num-ber of deaths.	Number of con-sumers of milk.	Percent-age.	Circumstances of outbreak.	Reporter and reference.
1	June, 1877.....	Sutton, Surrey.....	15	.....	.....	.....	No sickness at farm among men or beasts. The outbreak affected within 3 days 15 persons in 11 households in good sanitary surroundings, and all supplied from 1 dairy.	Dr. E. L. Jacob, M. O. H. Brit. Med. Jour., Vol. II, 1879, p. 740.
2*	May, 1878.....	North London (Kilburn and St. Johns Wood, etc.)	264	38	.....	.....	No diphtheria or sore throat at milk farm, but Mr. Power subsequently raised the question whether farget in cows might not induce such changes in the milk as to give diphtheria to the human subject.	Dr. W. H. Power, Brit. Med. Jour., Vol. I, 1878, pp. 48-58; Trans. Pathol. Society for London, 1879.
3	July, 1878.....	Weybridge, Surrey....	60	2	60	100	Cases occurred simply in the milk of dairy cows and continued with sewage contamination until the water of the dairy drains in the yard where milk cans were cleansed and in the floor of the dairy was a gully leading to an unventilated drain.	Dr. E. L. Jacob, M. O. H. Brit. Med. Jour., Vol. II, 1879, p. 739.
4	August and September, 1878	Leatherhead.....	55	5	.....	.....	No cases of diphtheria at milk farm or dairy; no sickness among the cows. The water used at dairy had at times smelled badly, and the pipe from the sink where milk cans were cleansed was not properly trapped.	Dr. E. L. Jacob, M. O. H. Brit. Med. Jour., Vol. II, 1879, p. 740.

TABLE III.—*Epidemics of milk-diphtheria*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
5*	October, 1878.....	Addlestone, Surrey...	48	.....	.....	.....	No diphtheria at farm. Water supply very impure, and one of the cows had lately suffered with garget. A child had been ill with sore throat at farm about August 18, and another found with unmistakable diphtheria, taken sick August 31; insanitary conditions; dirty milk cans, washed over a sink, beneath which was found a chamber containing excreta; wash tub near milk supply. Traced to a particular milk supply where no cases of diphtheria existed at farm; in fact no evidence of infection by human agency.	Dr. E. L. Jacob, M. O. H. Brit. Med. Jour., Vol. II, 1879, p. 239.
6	September, 1879.....	Little Horton, Brad- ford.	7	1	7	100	.....	Dr. H. Butterfield, M. O. H. Brit. Med. Jour., Vol. I, 1880, p. 933.
7	December, 1880.....	Surbiton.....	42	8	.....	.....	.....	Dr. O. Coleman, M. O. H. Brit. Med. Jour., Vol. I, 1881, p. 140.
8*	March, 1881.....	Rugby.....	100	.....	100	100	At the Rugby School 3 houses only attacked with some 30 cases in each. These houses were served with a particular milk which had been mixed with the produce of a cow suffering from "garget." Most of the persons attacked were liable to sore throats and many were adults (20 cases). Origin obscure; no evidence of diphtheria at dairy, but the surroundings were very insanitary, and according to Dr. Parsons the infectious matter may have gained access to the milk by wiping out the cans with cloths which had been hung up in the narrow and close back yard and attracted impurities from the atmosphere.	E. Hart, Brit. Med. Jour. Reporter Dr. G. Wilson, M. O. H. Brit. Med. Jour., 1881, Vol. II, p. 415.
9	December 21-30, 1882...	Devonport.....	31	5	27	93	.....	Dr. Parsons. Report Medical Officer local government board, 1883, pp. 49-53.
10	January, 1883.....	Hendon Ward, Hen- don urban sanitary district.	62	5	.....	.....	This epidemic was traced to a milk supply derived from a dairy where the utensils were washed in a brook contaminated by sewage, and the milk was quiteropy and stringy. Evidence of previous cases in the vicinity. No apparent disease among the cows. This epidemic was traced to milk derived from particular farm where diphtheria prevailed. The well was liable to sewage contamination, and dairy utensils were washed in this water.	Dr. W. H. Power. Report Medical Officer local government board, 1883, pp. 42-46.
11	1883.....	Cardiff.....	.....	.....	.....	.....	.....	Dr. Paine. Brit. Med. Jour., 1883, Vol. I, p. 973.

12	April, 1883	Putney	17	5	17	100	Out of 400 families supplied with the suspected milk the disease appeared in only 9. Diphtheria had prevailed in the district. No evidence of diphtheria at the farm (doubtful).
13	.....do	Suburb of London	16	5	100	100	Water used for washing cans drawn from the ordinary mains through a cistern situated in the cow house. All the cases occurred within 5 days in 9 families.
14	June, 1886	Meiose, Mass.	28	.....	14	.....	Epidemic traced to milk derived from a farm where diphtheria was known to exist.
		Malden, Mass.	27	.....	.....	.....	Of these 27 cases 24 were supplied with milk coming direct from families in which the disease was known to exist. Of the 14 deaths 13 were in families using the milk known to be infected, and 1 in the family in which no history is had.
15	July 11-18, 1886	Canterbury	231	.....	.....	.....	All these cases were taken sick within one week; all had a local throat affection with white patches on tonsils and enlarged cervical glands; no fatal cases; many of the attacks were mild, some were more severe and lasted a fortnight—these were pronounced diphtheria—the others were of a diphtheritic type. The milkman and family were suffering about the same time from sore throat; also the pet lamb. Cows apparently healthy, although four calves had recently suffered from diarrhoea.
16	October, 1886	Canbery and Yorktown.	135	16	124	92	The outbreak affected especially well-to-do families who bought large quantities of milk and stored for use. The result of the investigation at the milk farm proved negative; one of the milk carriers had scarlet fever in July; another developed the disease after the main outbreak; no disease among cows, except slight sign of chaps on their teats.
17	October 10-14	Frimley	70	15	70	100	Thirty families involved; milk from a high-class dairy; no trouble there.
18	October and November, 1886	Military college near Camberly.	88	18	.....	.....	Traded to a common milk supply where polluted water had been used to dilute the milk.
19	January, 1887	Ealing	80	12	28	98	Outbreak sudden and affecting within one week customers of a particular dairy. Before and after this outbreak numerous cases of sore throat had been observed in families supplied from the same dairy; no evidence of disease among man or animals at the farm to account for the infection of the milk.
							<p><b>Dra. Walker and Blaxall.</b> Sanitary Record, 1882-83, pp. 515-560.</p> <p><b>E. Hart, Ibid.</b> Morrell, Mackenzie, M. D. Brit. Med. Jour., 1888, Vol. I, p. 874.</p> <p><b>Dr. Joel S. Clark.</b> Boston Med. and Surg. Jour., vol. 117, 1887, p. 100.</p> <p><b>Dr. Wachser.</b> Brit. Med. Jour., 1886, Vol. II, p. 337.</p> <p><b>Dr. W. H. Power.</b> Report medical officer local government board, 1886, pp. 311-323.</p> <p><b>R. G. Freeman.</b> New York Med. Rec., Mich. Zeitung, 1886, p. 386.</p> <p><b>Dr. Alf. T. C. Clark.</b> Brit. Med. Jour., 1887, XXVII, pp. 432-441.</p> <p><b>Dr. W. H. Power.</b> Report Medical Officer, local government board, 1887, pp. 98-101.</p>

TABLE III.—*Epidemics of milk—diphtheria*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
20	November 30 to Decem- ber 21, 1887.	Enfield .....	213	48	179	84	This epidemic affected families residing in the best part of Enfield as well as persons living in less favorable localities, and seized persons supplied with a particular milk, however wide apart their residence. No evidence of diphtheria at dairy, but report refers to the unusual number of dead cats found in December and January in the vicinity. This epidemic was supposed to have originated in the milk of a diseased cow, which had been used by the inmates of the station. The water supply of the farms which supplied milk to the homes was found to be impure. One of the cows had "garget," and the epidemic began to decline rapidly 8 days after the stoppage of the milk supply.	Dr. Bruce Low. <i>London Lancet</i> , 1888, Vol. I, p. 1151.
21*	January, 1888 .....	Oakleigh police station.						Dr. B. B. Longhead. Report board of health, Ohio, 1888-87, Columbus, 1888, II, p. 362.
22	.....	Princess Mary's vil- lage homes.	48					
23*	1889 .....	East Kent .....					Dr. Robinson details several local outbreaks connected with the milk supply. At one farmhouse the disease was concurrent with a disease among the farm stock, and on the occasion of a previous outbreak at the same house the cattle were also con- currently affected. In another instance the first case was in a boy who had been feeding a dog with the carcass of a dis- eased cow. In the last sudden and explo- sive outbreak the disease was confined to consumers of milk derived from a farm where 3 cows had been sick. These cases occurred in 38 families, con- sumers of milk from a certain farm; the severest cases occurred among the large milk drinkers. Mode of infection ob- scure, but believed to be due to a dis- eased cow among the dairy stock. The epidemic ceased upon stoppage of the milk. Upon resuming to milk a sus- pected cow, new cases of scarlet fever and throat affections developed.	Dr. Robinson. <i>Brit. Med. Jour.</i> , 1889, Vol. I, p. 1247.
24*	January and February, 1889.	Macclesfield and Up- ton.	85					Dr. Parsons. Report of medical officer local government board, 1889, pp. 89-114.

20 <sup>a</sup>	June, 1889	Fekkes farm, Holbach medical district.	73	3	.....	Traced to a dairy; infection probably contained in the milk sold June 9 and 10; milk farm in a most unsanitary condition and disease among milch cows. This epidemic was traced to a milk farm, where one of the dairymaids suffered from a sore throat of an erysipelatous character. The epidemic manifested itself chiefly in the form of severe sore throat, but in a number of cases a typical erysipelas developed. This conjunction of sore throat and erysipelas is interesting; and it may almost be said, from the acute character of the inflammation of the throat and its suppurative nature in some cases, that it also had many of the features of erysipelas. "In all, the tonsils and fauces were intensely congested, one having a distinct erysipelatous appearance. In several the pharynx was also involved in the congestion. In two of those who drank freely of the milk and continued its use longest, there was membranous exudation in the shape of patches on the lips and tongue, but none on the tonsils and pharynx. Submaxillary glands were invariably enlarged; temperature was high during the first few days. Prostration was a marked feature." Three cases probably arose from visiting a girl sick with diphtheria at milk store.	
20 <sup>b</sup>	March, April, 1890	Glasgow	80	3	.....	Milk supplied by two dairies. Dr. Klein found at one of the farms ulcers in the teats of certain milch cows; supply from this farm stopped November 3, and only a few more cases occurred afterwards. Dr. Carpenter thinks that the milk was contaminated during distribution, not at its source in the cow's udder. This house epidemic affected residents of the dairy farm—all consumers of unboiled milk derived from cows suffering from a "febrile and eruptive epizootic."	
29 <sup>a</sup>	November, 1891	Worcestershire	6	6	100	Epidemic among customers of a particular milk farm, located in an infected district; the disease was promptly checked upon stoppage of the milk supply.	
30	December, 1891	Surbiton, urban sanitary district.	27	27	100	83 of the dairy cows suffered from teat eruptions. "Hendon" streptococcus isolated from lymph. Between August 6 and 8 from 60 to 70 cases reported. Milk supply stopped on 8th. Cases ceased on 12th.	
31 <sup>a</sup>	August, 1892	Glasgow	224	.....	.....		
27	May to August, 1890		16	.....	.....		
28 <sup>a</sup>	October and November, 1890.	Croydon	100	.....	.....		
29 <sup>b</sup>	November, 1891						
30	December, 1891						
31 <sup>a</sup>	August, 1892						

Dr. H. Meller Flindtve. Ugeskrift for Læger, Kjøbenhavn, 21, 4 B., 1890, XXI, pp. 406-410.

Dr. Wm. Hunter. Glasgow Med. Jour., 1890, XXXIV, pp. 241-253.

R. G. Freeman, *ibid.* Jönaberg Jahresber: d. Ges. Med., 1890, II, p. 208.

Dr. Carpenter. Sanitary Record, London, 1890-91, XII, p. 274.  
Dr. Philpot. Brit. Med. Jour., 1891, Vol. I, p. 476.

Dr. W. N. Thursfield. Public Health, London, 1891-92, IV, pp. 130-134.

Dr. Coleman. M. O. H. Public Health, 1891-92, Vol. IV, p. 199.

E. Hart, *ibid.* Dr. Russell, M. O. H. Brit. Med. Jour., Vol. II, 1892, pp. 433, 666.

TABLE II.—*Epidemics of milk—scarlatina*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
63†	1891.....	England.....	.....	.....	.....	.....	A limited outbreak of scarlet fever, which appeared to be due to milk. Preceding the outbreak one of the cows at the suspected dairy had had an eruption on the udder, but almost by accident I discovered that a boy not residing at the dairy and who had casually been employed to milk had, just previous to the outbreak and when milking, suffered from a slight sore throat.* * *	Dr. W. N. Thursfield. Public Health, 1891-92, vol. 4, p. 133.
64†	February, 1891.....	Cardworth .....	5 .....	.....	.....	.....	Traced to a particular milk derived from a farm where one of the dairy hands was convalescing from scarlet fever.	Dr. B. Hill. Public Health, London, 1890-91, Vol. III, p. 487.
65*	March, 1891.....	Manor Hill and Clifton road, Sutton, Coldfield.	40 .....	5 .....	30 .....	75 .....	Traced to a milk farm with no other evidence except sickness among dairy stock. Indications of recent ulceration on the teats, and progressive emaciation. Milk supply stopped and, with exception of one or two sporadic cases, no further cases arose in that part of the borough. This outbreak was traced to a dairy where a case of scarlet fever had occurred and, as convalescent, was prematurely permitted to handle milk and utensils.	Dr. B. Hill. Public Health, London, 1890-91, Vol. III, pp. 487-491; Brit. Med. Jour., 1891, Vol. II, p. 126.
66†	October, 1891 .....	Whitchurch .....	(*) .....	.....	.....	.....	This sudden outbreak was traced to a common milk supply; no evidence of human infection, but cows suffered from an eruption on udder.	Dr. Pritchard. Brit. Med. Jour., 1891, Vol. II, p. 1179.
62*	Nov 1891.....	Bushhill Park.....	33 .....	.....	33 .....	100 .....	Epidemic traced to a common milk supply from a farm at which no trace of infection could be found, except scabs and excoriations of the udder and teats among cows.	Dr. S. M. Copeman. Report medical officer local government board, 1891-92, XXI, pp. 69-78.
68*	March and April, 1892..	Charlton, SE. London.	57 .....	.....	.....	.....	Outbreak connected with a particular milk supply traced to a dairy where the child of one of the employees had scarlet fever. Traced to a certain milk supply, but contamination of the milk not explained, unless due to a mild cow infection or to a polluted water supply.	Dr. Hamer. Public Health, 1891-92, vol. 4, p. 366.
69†	March and April, 1892..	Upper Clapton .....	145 .....	.....	.....	.....	Connected with a certain milk supply, but infection not explained, unless of a bovine origin.	Dr. J. King Werry. Practitioner, London, 1892, XLIX, pp. 63-73.
70	April, 1892 .....	H nds orth .....	143 .....	1 .....	89 .....	62 .....		Dr. J. B. Welch. Public Health, London, 1892-93, V, 76-78.
71	May and June, 1892.....	Aston Manor .....	97 .....	.....	62 .....	64 .....		Dr. Henry May. Public Health, London, 1892, 8 v., p. 79.

72 <sup>a</sup>	August, 1892	Glasgow	224				This epidemic affected members of 94 families who obtained their milk from a certain farm where there was no evidence of scarlet fever, but an epidemic test eruption among the milch cows.	Drs. J. B. Russell and Arch. K. Chalmers. Glasgow Med. Jour., 1893, XXXIX, pp. 1-22.
73	September, 1892	Leyton, Essex					Most of the cases confined to customers of a certain milkman, who derived his supply from a farm where scarlet fever prevailed.	London Lancet, 1892, Vol. II, p. 733.
74	October, 1892	Glasgow	12	12	100		Scarlet fever at dairy	R. G. Freeman. Ibid. Dr. Carpenter. Arch. Pediatrics, 1894, p. 291.
75	.....do	Langham, Essex	6	5	100		Milk used only at the farm and one other dwelling; four cases occurred in one day; the other appeared in the case of a visitor who stayed overnight, partook of the milk, and contracted the disease. Suspected udder eruption in two cows at the farm. All had procured milk from the same milkman, in whose household were found two cases. The inquiry was extended to the dairy farm, where were found two cases in the desquamative period, occurring respectively in a child aged 7 and in a young man of 19. The latter while convalescing assisted in the milking and handling of the milk. No further cases after stoppage of the supply.	Reporter, J. Cook. Rep. med. officer of health.
76 <sup>a</sup>	Fall of 1893	Buffalo, N. Y.	57	57	100		This limited epidemic invaded 28 houses, 18 of which had been supplied with the same milk. No scarlet fever at milk farm, but the cattle "were found to be all more or less suffering from febrile disturbance." This epidemic was traced to the milk from two dairy farms. At one of these a boy simply suffered from sore throat early in December, which induced scarlet fever in others. At the other farm some of the dairy employees developed scarlet fever and all kept at work for one or more days and the cases of scarlet fever in the vicinity of the farms supplying milk to dairy. All the cases, save three, were consumers of the implicated milk.	Dr. Scarlyn Wilson. Brit. Med. Jour., 1894, Vol. I, p. 815.
77 <sup>a</sup>	November, 1893	Hastings					The epidemic invaded families served by the same milk dealer. One of the employees had scarlet fever (unknown to him at first), and actually went about delivering milk while the rash was out upon him. Strong suspicion that the disease originated from the cattle.	Dr. A. K. Chalmers. Brit. Med. Jour., 1894, Vol. I, p. 428; Glasgow Med. Jour., 1894, XLI, pp. 117-127.
78 <sup>a</sup>	December, 1893	Glasgow	30	28	93			E. Hart, ibid; Dr. Rowland, M. O. H. Annual Report for 1894.
79	February, 1894	Richmond Surrey	55	52	95			Dr. Shirley Murphy. The Lancet, 1894, Vol. II, pp. 449, 910.
80 <sup>a</sup>	March, 1894	Blackheath	89	1				

\* Several cases.

TABLE II.—*Epidemics of milk—scarlatina*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
81	April, 1894.....	Patrick.					This limited epidemic was traced to a milk farm in Dunbartonshire which supplied Patrick with the milk, and several cases of scarlet fever had occurred there.	The Lancet, Vol. I, 1894, p. 1101.
82†	August, 1894.....	Wolverhampton.....	55	1	15	27	A child desquamating after scarlatina was going about freely in the cottage of the shepherd who regularly assisted the cowman in milking. Incidence limited between August 13 and September 2.	E. Hart, <i>ibid</i> ; Dr. Malet, Rep. M. O. H.
83	October, 1894.....	Shirley, Warren, Southampton.	9		9	100	These cases were traced to a dairy where there had been an unrecognized case of scarlet fever. In a cottage, under the same roof as the milk, was found a case in the "desquamative" stage.	Dr. George H. Weston. Brit. Med. Jour., 1894, Vol. II, pp. 956-1408.
84	1894.....	Lewisham.....					Very extensive, sudden, and threatening; traced to one dairy farm on which several cases of scarlet fever existed.	R. G. Freeman. <i>Ibid.</i> , Dietet. and Hygienic Gazette, 1894, p. 246.
85	February, 1895.....	Stroud Green.....	200-187				Of 60 cases in hospital, 58 had suspected milk. On Jan. 8 a case of scarlet fever followed by a bad sore throat in the nurse.	R. G. Freeman. <i>Ibid.</i> , Rep. Clothier. Brit. Med. Jour., 1895, Vol. I, p. 549.
86	February, 1895.....	Hornsey sanitary dis- trict.	233				Certain of the farms from which the dairy in Hornsey drew its milk supply were either in or close to a village in which scarlet fever had been prevalent, though in a very mild form, since the summer of last year, so that the school at Hatton, the village in question, was closed, and it was found that at one of the milk farms the milk was actually under the same roof with a case of scarlet fever which occurred there January 8. As has been observed in previous epidemics of scarlet fever disseminated by milk, the type of the disease appears to have been mild, as no death from the disease has been reported.	Brit. Med. Jour., Vol. I, 1895, p. 550.
87	April, 1895.....	Hornsey.....					The outbreak of scarlet fever in North London just referred to has been followed by a smaller one, which, from the remarks of the chairman of the Hornsey district council, appears to have been traced to	Brit. Med. Jour., Vol. I, 1895, p. 778.



88	1896	East Orange, N. J.				one dairy. It was stated that the milk was distributed by two men, and that at the houses at which one of these men delivered milk there were no cases at all while at those at which the second man delivered there were 15 or 16 cases of scarlet fever. At this man's house a child had suffered from scarlet fever, showing clearly the manner of infection as having taken place by infected clothing, and the germs were most likely conveyed into the milk while this man pushed his arm into the big can to fill the little ones during his rounds.
89	1897	Plainfield, N. J.				Nearly all the victims in this group are grown persons, and the sanitary officers claim to have obtained conclusive proof that the germs were brought to the affected families in milk supplied by a man whose helper in the dairy was convalescent from the disease.
90	1897	Montclair, N. J.	27	1		The outbreak was traced by the board of health to the milk furnished by a wholesale dealer. One of the employees, who was sick with scarlet fever, continued to assist in handling the milk. The cases occurred nearly all among families supplied with milk from one dairy. Dairymen had bought some milk from outside, and it was supposed that this milk had been contaminated with the scarlet fever virus. No cause of contamination of the milk could be found.
91	1897	Halifax, urban district.				All affected derived their milk supply from two purveyors, who obtained the milk from a farm where was found a boy with a well-developed rash and sore throat, moving freely about the premises. Farmer himself was in bed with sore throat, wife showed signs of desquamation, while an older son, aged 19, who took the milk into the town, had also a sore throat.
92	1897	Torquay				In this epidemic the infection was traced to a farm some miles from Torquay, where was found a sick child seated in the living room common to the whole family. Farmer's wife nursed the child and attended to the dairy, and this part of the house was separated by a door from the living room, which was constantly being used.

Medical News, vol. 70, 1897, p. 856.

R. C. Newton, M. D.

Dr. Ainley, M. O. H. London Lancet, 1896, Vol. II, p. 533.

Dr. Karbeck, M. O. H. Sanitary Record, Feb. 13, 1896, Suppl. p. 12.

TABLE II.—*Epidemics of milk-scarlatina—Continued.*

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
93	November, 1897.....	Norwalk, Conn.....					This epidemic, which appeared two weeks before publication, extended rapidly; 19 new cases were reported Nov. 8. All the cases occurred in families supplied by a certain milkman charged with having bought his milk from a farmer whose children were suffering from scarlet fever. All the cases had obtained directly or indirectly milk from a certain farm where several members of the household had suffered from scarlet throat, probably a mild scarlatina infection traced the mischief to a dairy farm, where four persons were found infected with scarlet fever, one of whom, a convalescent, was engaged in milking the cows and handling the cans and utensils; action was taken to prevent further injury from the milk, with the result of arresting the progress of the disease.	Medical News, vol. 71, 1897, p. 666.
94	April, 1898.....	Aberdeen, 49.....					Official investigation traced the mischief to a dairy farm, where four persons were found infected with scarlet fever, one of whom, a convalescent, was engaged in milking the cows and handling the cans and utensils; action was taken to prevent further injury from the milk, with the result of arresting the progress of the disease.	Dr. Mathew Hay, M. O. H. Sanitary Record, June 3, 1898, p. 599.
95	February 27, 1899.....	Buffalo, N. Y.....	20		20	100	All were traced to a dairy farm where was found a girl suffering from sore throat; also helped to milk the cows and attended in the shop.	Sir Henry Littlejohn, M. O. H. Sanitary Record, Apr. 13, 1900, p. 310.
96	February, 1899.....	Edinburgh.....	11		H.	100	These cases were scattered over the city, but believed to have been all supplied with milk from a farm where the daughter and a maid servant had developed scarlet fever. Within one week after removal of the patients and disinfection of the premises the outbreak ceased.	Sir Henry Littlejohn. Ibid.
97	August 9, 1899.....	do.....	13		13	100	All were consumers of milk derived from an infected milk farm. The first cases were reported December 25. Upon investigation it was found that a young girl who was employed in milking the cows noticed, December 22, that her face was peeling slightly, and that she had a sore throat a week before. A young man, also employed at dairy, developed a sore throat December 24, but was better within two days.	Sir Henry Littlejohn. Ibid.
98	December, 1899.....	Edinburgh.....	42		42	100		Sir Henry Littlejohn.

Dr. John E. Walsh. Report of Health Officer, D. C., 1900, p. 45.

It was noticed about December 28 that this disease was occurring with great frequency among the customers of a certain dairy-man. On December 30, the medical inspector found a child of the man who served the milk to the interested family sick and had been so since December 25. No disturbance on the body, except a very slight redness on the arms and about the wrist; this, however, had not been seen again January 13, 1900, presented unmistakable evidences of scarlatina, disquamation about the groin and hands and had a suppurating abscess of the glands about the neck. Orders given to remove dairy cows, etc., to another location a mile or more distant, and, after thorough disinfection, cases ceased.

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Washington, D. C.

December, 1899

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TABLE III.—*Epidemics of milk—diphtheria.*

No.	Date.	Place.	Num-ber of cases.	Num-ber of deaths.	Number of consumers of milk.	Per-cent- age.	Circumstances of outbreak.	Reporter and reference.
1	June, 1877.....	Sutton, Surrey.....	15	.....	.....	.....	No sickness at farm among men or beasts. The outbreak affected within 3 days 15 persons in 11 households in good sanitary surroundings, and all supplied from 1 dairy.	Dr. E. L. Jacob, M. O. H. Brit. Med. Jour., Vol. II, 1879, p. 740.
2*	May, 1878.....	North London (Kilburn and St. Johns Wood, etc.)	264	38	.....	.....	No diphtheria or sore throat at milk farm, but Mr. Power subsequently raised the question whether garget in cows might not induce such changes in the milk as to give diphtheria to the human subject.	Dr. W. H. Power, Brit. Med. Jour., Vol. I, 1878, pp. 45-58; Trans. Pathol. Society for London, 1879.
3	July, 1878.....	Weybridge, Surrey....	60	2	60	100	Cases occurred simultaneously at milk farm and consumers. Well water of dairy contaminated with sewage matter. The dairy drains in the yard where milk cans were cleansed, and in the floor of the dairy was a gully leading to an unventilated drain.	Dr. E. L. Jacob, M. O. H. Brit. Med. Jour., Vol. II, 1879, p. 739.
4	August and September, 1878.	Leatherhead.....	55	5	.....	.....	No cases of diphtheria at milk farm or dairy; no sickness among the cows. The water used at dairy had at times smelled badly, and the pipe from the sink where milk cans were cleansed was not properly trapped.	Dr. E. L. Jacob, M. O. H. Brit. Med. Jour., Vol. II, 1879, p. 740.

TABLE III.—*Epidemics of milk—diphtheria*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Number of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
5*	October, 1878.....	Addlestone, Surrey ..	48	.....	.....	.....	No diphtheria at farm. Water supply very impure, and one of the cows had lately suffered with garret.	Dr. E. L. Jacob, M. O. H. Brit. Med. Jour., Vol. II, 1879, p. 239.
6	September, 1879.....	Little Horton, Brad- ford.	7	1	7	100	A child had been ill with sore throat at farm about August 18, and another found with unmistakable diphtheria, taken sick August 31; insanitary conditions; dirty milk cans, washed over a sink, beneath which was found a chamber containing excreta; wash tub near milk supply. Traced to a particular milk supply where no cases of diphtheria existed at farm; in fact no evidence of infection by human agency.	Dr. H. Butterfield, M. O. H. Brit. Med. Jour., Vol. I, 1880, p. 933.
7	December, 1880.....	Surbiton.....	42	8	.....	.....	Traced to a particular milk supply where no cases of diphtheria existed at farm; in fact no evidence of infection by human agency.	Dr. O. Coleman, M. O. H. Brit. Med. Jour., Vol. I, 1881, p. 140.
8*	March, 1881.....	Rugby.....	100	.....	100	100	At the Rugby School 3 houses only attacked with some 30 cases in each. These houses were served with a particular milk which had been mixed with the produce of a cow suffering from "garret," and of a cow suffering from "garret."	E. Hart, Brit. Med. Jour. Reporter Dr. G. Wilson, M. O. H. Brit. Med. Jour., 1881, Vol. II, p. 416.
9	December 21-30, 1882....	Devonport.....	31	5	27	93	Most of the persons attacked were liable to sore throats and many were adults (20 cases). Origin obscure; no evidence of diphtheria at dairy, but the surroundings were very insanitary, and according to Dr. Parsons the infectious matter may have gained access to the milk by wiping out the cans with cloths which had been hung up in the narrow and close back yard and attracted impurities from the atmosphere.	Dr. Parsons. Report Medical Officer local government board, 1883, pp. 49-53.
10	January, 1883.....	Hendon Ward, Hen- don urban sanitary district.	62	5	.....	.....	This epidemic was traced to a milk supply derived from a dairy where the utensils were washed in a brook contaminated by sewage, and the milk was quiteropy and stringy. Evidence of previous cases in the vicinity. No apparent disease among the cows.	Dr. W. H. Power. Report Medical Officer local government board, 1883, pp. 42-48.
11	1883.....	Cardiff.....	.....	.....	.....	.....	This epidemic was traced to milk derived from a particular farm where diphtheria prevailed. The well was liable to sewage contamination, and dairy utensils were washed in this water.	Dr. Palne. Brit. Med. Jour., 1883, Vol. I, p. 973.

12	April, 1883	Putney	17	5	17	100	Out of 400 families supplied with the suspected milk the disease appeared in only 9. Diphtheria had prevailed in the district. No evidence of diphtheria at the farm (doubtful).	Dr. Walker and Blaxall. Sanitary Record, 1882-83, pp. 515-560.
13	.....do	Suburb of London	16	5	100	100	Water used for washing cans drawn from the ordinary mains through a cistern situated in the cow house. All the cases occurred within 5 days in 9 families.	E. Hart, <i>Ibid.</i> Morrell. Mackenzie, M. D. Brit. Med. Jour., 1883, Vol. I, p. 874.
14	June, 1886	{Melrose, Mass. [Malden, Mass.]	23 27	..... .....	14	.....	Epidemic traced to milk derived from a farm where diphtheria was known to exist. Of these 27 cases 24 were supplied with milk coming direct from families in which the disease was known to exist. Of the 14 deaths 13 were in families using the milk known to be infected, and 1 in the family in which no history is had.	Dr. Joel S. Clark. Boston Med. and Surg. Jour., vol. 117, 1887, p. 100.
15	July 11-18, 1886	Canterbury	231	.....	.....	.....	All these cases were taken sick within one week; all had a local throat affection with white patches on tonsils and enlarged cervical glands; no fatal cases; many of the attacks were mild, some were more severe and lasted a fortnight—these were pronounced diphtheria—the others were of a diphtheritic type. The milkman and family were suffering about the same time from sore throat; also the pet lamb. Cows had recently suffered from diarrhoea.	Dr. Wachter. Brit. Med. Jour., 1886, Vol. II, p. 337.
16*	October, 1886	Cambery and Yorktown.	135	16	124	92	The outbreak affected especially well-to-do families, who bought large quantities of milk and stored for use. The result of the investigation at the milk farm proved negative; one of the milk carriers had scarlet fever in July; another developed the disease after the main outbreak; no disease among cows, except slight sign of "chaps" on their teats.	Dr. W. H. Power. Report medical officer local government board, 1886, pp. 311-326.
17	October 10-14	Frimley	70	15	70	100	Thirty families involved; milk from a high-class dairy; no trouble there.	R. G. Freeman. New York Med. Rec., <i>Allen Zeitung</i> , 1886, p. 580.
18	October and November, 1886	Military college near Camberly.	88	18	.....	.....	Traced to a common milk supply where polluted water had been used to dilute the milk.	Dr. Alf. T. C. Clark, brigade surgeon. <i>Allen Zeitung</i> , 1887, p. 438.
19	January, 1887	Ealing	80	12	28	98	Outbreak sudden and affecting within one week 100 carriers of a particular dairy. * Before and after this outbreak numerous cases of sore throat had been observed in families supplied from the same dairy; no evidence of disease among man or animals at the farm to account for the infection of the milk.	Dr. W. H. Power. Report Medical Officer, local government board, 1887, pp. 98-101.

TABLE III.—*Epidemics of milk—diphtheria*—Continued.

No.	Date.	Place.	Num-ber of cases.	Num-ber of deaths.	Number of consumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference.
20	November 30 to Decem- ber 21, 1887.	Enfield .....	213	48	179	84	This epidemic affected families residing in the best part of Enfield as well as persons living in less favorable localities and seized persons supplied with a particular milk, however wide apart their residence. No evidence of diphtheria at dairy, but report refers to the unusual number of dead cats found in December and January in the vicinity.	Dr. Bruce Low. London Lancet, 1888, Vol. I, p. 1151.
21*	January, 1888 .....	Oakleigh police sta- tion.	.....	.....	.....	.....	This epidemic was supposed to have origi- nated in the milk of a diseased cow which had been used by the inmates of the station.	Dr. B. B. Longhead. Report board of health, Ohio, 1888-87, Colum- bus, 1888, II, p. 362.
22	.....	Princess Mary's vil- lage homes.	48	.....	.....	.....	The water supply of the farms which sup- plied milk to the homes was found to be impure. One of the cows had "garget," and the epidemic began to decline rapidly 8 days after the stoppage of the milk supply.	Dr. Robinson. Brit. Med. Jour., 1889, Vol. I, p. 1247.
23*	1889 .....	East Kent .....	.....	.....	.....	.....	Dr. Robinson details several local outbreaks connected with the milk supply. At one farmhouse the disease was concurrent with a disease among the farm stock, and on the occasion of a previous outbreak at the same house the cattle were also con- currently affected. In another instance the first case was in a boy who had been feeding a dog with the carcass of a dis- eased cow. In the last sudden and explo- sive outbreak the disease was confined to consumers of milk derived from a farm where 3 cows had been sick.	Dr. Parsona. Report of medical officer local government board, 1889, pp. 89-114.
24*	January and February, 1889.	Macliesfield and Up- ton.	85	.....	.....	.....	These cases occurred in 58 families, con- sumers of milk from a certain farm; severest cases occurred among the largest milk drinkers. Mode of infection ob- scure, but believed to be due to a dis- eased cow among the dairy stock. The epidemic ceased upon stoppage of the milk. Upon resuming to milk a sus- pected cow, new cases of scarlet fever and throat affections developed.	

25*	June, 1889 .....	Fackes farm, Holbach medical district.	73	3	.....	Traced to a dairy; infection probably contained in the milk sold June 9 and 10; milk farm in a most unsanitary condition and disease among milch cows.	Dr. H. Meller Flindtve. Ugeskrift for Læger, Kjøbenhavn, 21, 4 R., 1890, XXI, pp. 405-410.
26†	March, April, 1890 .....	Glasgow .....	80	3	.....	This epidemic was traced to a milk farm, where one of the dairymaids suffered from a sore throat of an erysipelatous character. The epidemic manifested itself chiefly in the form of severe sore throat, but in a number of cases a typical erysipelas developed. This conjunction of sore throat and erysipelas is interesting; and it may almost be said, from the acute character of the inflammation of the throat and its suppurative nature in some cases, that it also had many of the features of erysipelas. "In all, the tonsils and fauces were intensely congested, one having a distinct erysipelatous appearance. In several, the pharynx was also involved in the congestion. In two of those who drank freely of the milk and continued its use longest, there was membranous exudation in the shape of patches on the lips and tongue, but none on the tonsils and pharynx. Submaxillary glands were invariably enlarged; temperature was high during the first few days. Prostration was a marked feature." Three cases probably arose from visiting a girl sick with diphtheria at milk store.	Dr. Wm. Hunter, Glasgow Med. Jour., 1890, XXXIV, pp. 241-253.
27	May to August, 1890 .....	.....	16	.....	.....	Milk supplied by two dairies. Dr. Klein found at one of the farms ulcers in the teats of certain milch cows; supply from this farm stopped November 3, and only a few more cases occurred afterwards. Dr. Carpenter thinks that the milk was contaminated during distribution, not at its source.	R. G. Freeman, <i>ibid.</i> Jønsberg Jahresber: d. Ges. Med., 1890, II, p. 208.
28*	October and November, 1890.	Croydon .....	100	.....	.....	This house epidemic affected residents of the dairy farm, and consisted of unclassified "febrile and eruptive epizootic."	Dr. Carpenter. Sanitary Record, London, 1890-91, XII, p. 274. Dr. Philpot. Brit. Med. Jour., 1891, Vol. I, p. 476.
29*	November, 1891 .....	Worcestershire .....	6	6	100	.....	Dr. W. N. Thursfield. Public Health, London, 1891-92, IV, pp. 130-134.
30	December, 1891 .....	Surbiton urban sanitary district.	27	8	100	.....	Dr. Coleman. M. O. H. Public Health, 1891-92, Vol. IV, p. 189.
31*	August, 1892 .....	Glasgow .....	224	.....	.....	.....	E. Hart, <i>ibid.</i> Dr. Russell, M. O. H. Brit. Med. Jour., Vol. II, 1892, pp. 433, 666.

TABLE III.—*Epidemics of milk-diphtheria*—Continued.

No.	Date.	Place.	Num- ber of cases.	Num- ber of deaths.	Num- ber of con- sumers of milk.	Percent- age.	Circumstances of outbreak.	Reporter and reference
32	August to December, 1892.	Limekilns.....	28	4	16	57	Diphtheria at the milk farm. Patient found walking about the dairy premises day after notification. Direct communication between boy and dairy attendants. These cases occurred within one week, and were all traced to a milk supply derived from a farm where a German boy assisted in milking while he had diphtheria. Three cows supplying the milk had diseased teats and one had a chronic abscess of her udder. From November 8-18, 94 per cent of the houses supplied from this dairy were invaded. Disease attacked all classes, especially adults over 20 years of age; twenty-four hours after issue of a notice to boil all milk the epidemic ceased as suddenly as it started. After cessation of throat epidemic, true diphtheria of a mild type prevailed in the district; 25 of the first 38 cases had previously suffered from it.	E. Hart. <i>ibid.</i> Dr. Nasmyth, M. O. H. Annual Rep. for 1892.
33	July, 1893 .....	Hightstown, N. J. ....	28	11	28	100		Dr. T. B. Appleget. Medical News, 1893, vol. 68, p. 238.
34*	November, 1894.....	Finchley .....						E. Hart. Brit. Med. Journal, 1895, Vol. I, pp. 1167-68.
35†	December, 1894.....	Ashtabula, Ohio.....	111	23	100	90	Traced to a particular dairy where one of the drivers of the milk wagons was suffering from sore throat as early as December 2, and perhaps a few days earlier. The first case among the infected families occurred December 4. Of the 111 cases and 23 deaths, 100, with 21 deaths, were in families that used this particular milk. Sale of milk prohibited December 11. Evidence pointing to infected milk is entirely circumstantial, since after repeated examinations the bacillus of diphtheria was at no time found in cultures from the milk or from the throat of the driver. (Probably another instance of a streptococcus infection.)	Dr. W. T. Miller. Ohio State Board of Health, 18-4, p. 288.



86	June, 1898	.....	Germantown, Philadelphia.	86	22	.....	Chief Medical Inspector Taylor, in his weekly report, reported 86 cases of diphtheria, majority reported from Germantown believed to be due to infected milk. Investigation of the dairy revealed insanitary conditions: drainage from privies percolating under stable, which was built in a little dale; 3 weeks before a malignant case of diphtheria in a house close by, all the slops being thrown into a privy which overflowed and ran down into the fodder bin and stables.	N. Y. Med. Journal, vol. 67, 1898, p. 802. L. Pitfield, Un. Med. Mag., Vol. XI. No. 11.
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WEDNESDAY, *January 15, 1902.*

The committee met at 10 o'clock a. m., Hon. J. W. Wadsworth in the chair.

The CHAIRMAN. Gentlemen, the first gentleman whom we will hear this morning is Mr. Tillinghast, representing the Providence Manufacturing Company.

**STATEMENT OF MR. FRANK W. TILLINGHAST.**

The CHAIRMAN. What is the company you represent?

Mr. TILLINGHAST. The Vermont Manufacturing Company, manufacturing oleomargarine and butterine.

Mr. Chairman and gentlemen of the committee: Perhaps I ought to apologize for coming before the committee without making a careful preparation of what I am about to say, but the suggestions which I have to make to this committee are so clear to my own mind that I trust I may be able to make myself understood. I think there is one point upon which we can all agree. It seems to me that it can not be successfully contradicted that oleomargarine is a healthful, nutritious, and valuable food product, and that that has been established by the investigation of so many persons—scientists, doctors, committees of commerce, both regular and special committees—that it hardly needs argument. They have investigated this question many times and have come to but one conclusion, and that is that it is an article which is useful, healthful, and wholesome.

I believe we can agree upon that question. Not that there may not have been at some period within the history of the manufacture of oleomargarine some unwholesome article put upon the market, perhaps that could not be denied, but the ordinary product of oleomargarine in the markets in the United States, from one end of it to another, is a product which is wholesome, nutritious, and valuable. If you come to any other conclusion than that on a fair and impartial investigation, then the question before this committee should not be: Shall we pass one of these bills or the other; shall we tax it 10 cents per pound for colored and permit the manufacture of the uncolored article; but, rather, the powers of this Congress, the strong arm of this Government, should be extended and the industry should be crushed out entirely—if there is any evidence, substantial evidence, tending to show that the product of oleomargarine placed upon the markets of this country is an unhealthy and deleterious product.

Gentlemen, I believe you and I will agree after giving proper attention to that feature of the case, that oleomargarine may properly be put upon the market and that as it is manufactured to-day in the manufacturing of this country without exception it is made from wholesome materials, and the result is a wholesome and nutritious product. I do not think we need to go into that any further than just to make that statement, because anyone wanting to make an investigation may do so at his pleasure, and he will come to the same conclusion that every person and every committee who have investigated have come to; he will find at once, will be forced to the conclusion, that he is dealing with an article which is properly made and properly produced.

Therefore, gentlemen, it seems to me that the only question that can be of any very great consequence to the committee at this time is what

legislation is expedient to put the article on the market in a manner that it shall not be sold for an article that it is not. I understand that the position of the dairymen is this: that they have no objection whatever to the selling of oleomargarine so long as it is sold for oleomargarine and so long as the consumer is not deceived in the article he gets. I understand further that they claim that it is impossible to put oleomargarine on the market for what it is so long as it is sold in a colored state in imitation of butter; that no legislation, State or national, could be enacted that could be useful or successful in preventing the sale of colored oleo for butter.

And they ask for the legislation now taxing the colored article 10 cents a pound, so that under the guise of a revenue measure they can prevent its sale at all, because it is very generally conceded, and I think believed by the dairymen themselves, and by you, that if a tax of 10 cents a pound is put upon this article it will not be sold at all, because it will make the price too high, and it can not be made and sold in competition with butter or sold for what it is. I believe that with a tax of 10 cents a pound there will be no colored oleo sold in the United States. Perhaps there may be a little sold in some localities, but eventually it will go off of the market. I have come to the conclusion, rightly or wrongly, that the House of Representatives will not do very much different with this bill than they did last year. Last year a bill of this character was passed by the House of Representatives, and was recommended by a majority of the Committee on Agriculture. There is no evidence, to my mind, that I can look for a different result at this time; and being of a practical turn of mind, I prefer to take the situation as it is, to accept the conditions as I see them, rather than to attempt to hold up my hands and try to stop the incoming tide. I believe that no power, unless it is God Almighty, can prevent the passage of some sort of a bill in the House of Representatives such as was passed here one year ago.

Now, if that is so, bear with me five minutes, gentlemen, and hear the suggestions which I have to make concerning the bill or concerning some bill which is likely to pass the majority of this committee and likely to pass the House of Representatives.

Do not understand me as in any way submitting or changing my opinion with reference to such legislation, but I do not believe it could serve any useful purpose in me at this time to present an argument showing that such legislation is inexpedient and unnecessary. All that would be accomplished would be going over what we know, what we have heard, what I spoke of last year before the Senate committee. Here is a volume, 1½ inches thick, that is devoted to that very argument, and it is all an open book, a subject which is to-day somewhat worn-out, hackneyed, and threadbare, and it would not be, it seems to me, wise for me to go into that question this morning. I refer to the bill which is likely to pass. I presume you are likely to pass some such bill as you passed last year, or else the Tawney bill, which is somewhat similar to that bill, will be the bill recommended by this committee.

Let me ask this question for information. Is the Grout bill before this committee substantially as it was last year?

The CHAIRMAN. Yes, exactly; and two other bills of modification.

Mr. TILLINGHAST. And the Tawney bill also is before the committee?

The CHAIRMAN. Yes, sir.

Mr. TILLINGHAST. In the Tawney bill, as I remember, the difference was it put oleomargarine on the free list.

The CHAIRMAN. It takes the tax off.

Mr. TILLINGHAST. Yes; and the Grout bill taxes it one-fourth of a cent per pound.

The CHAIRMAN. Yes.

Mr. TILLINGHAST. There is no argument that could be adduced that would warrant you putting any tax at all on the uncolored article; therefore it seems to me—unless the tax is intended for the proper policing of the business, the one-quarter of a cent per pound—there is no argument that could be offered that would warrant you in putting any tax at all on the uncolored article, because if there is any objection to the sale, and dairymen tell me there is not, there should be no restrictions except such restrictions as would be proper to put it on the market as it is; to properly police it, if it needs any policing.

However, whatever decision you may arrive at upon that question, of course a quarter of a cent a pound is a small tax and might be good, or perhaps a smaller tax—perhaps one-eighth of a cent or whatever that might be. But the main contention on my part at this time, whatever bill is reported, whether it is the Tawney bill or the Grout bill, is that the retail and wholesale licenses should be reduced accompanying this bill. The retail licenses for oleomargarine are \$48 a year.

The CHAIRMAN. The wholesale license is \$480.

Mr. TILLINGHAST. Then the retail license is \$48 a year. Now, the small corner grocery—

The CHAIRMAN. One minute, right on that subject. State also the license fees that the manufacturers have to pay annually, so as to show the whole tax, for there may be some new members here who do not know it.

Mr. TILLINGHAST. The manufacturers have to pay a tax of \$600 a year for manufacturing. The retail license is \$48 a year, and that could not be paid by anyone desiring to sell white oleo.

The amount of sales of white oleo, if we are forced to admit those sales, will be so very small within the first few years of the existence of the industry that no one would attempt to take out a license, in the first place, and invest \$48 in order to carry on that business or attempt to carry it on, and there is no excuse for it. The license should not be more than \$5 or not to exceed \$10 in any event, so as to give everybody, every grocer who desires to carry on the business, who desires to make an honest attempt to sell white goods, an opportunity to do so. He should have almost entire freedom to sell those goods, as he would sell any other article of commerce. And if it is, in the judgment of the Committee, proper to put a small retail license on that article it should be so small that no one would hesitate to take it out and make an honest attempt to sell white goods.

Mr. SMITH. What is the argument favoring any license so long as it is sold honestly?

Mr. TILLINGHAST. There is none except that some people, I do not know but what the dairy people, claim it is necessary in order to insure the purity of the article that it should be properly policed, and some small expense attends that; and therefore there should be some license so as to have Government control over the article. And I am rather inclined to that opinion myself—that a small fee giving it proper Government protection and supervision would be right and proper.

Mr. HENRY. You do not object to that?

Mr. TILLINGHAST. No, sir. I am of the opinion it might be proper. The same argument with reference to that can be made with reference to wholesale licenses. Who would attempt, in the first place, to expend \$480 a year in selling white goods? No one except a very large grocer who had a very immense place, and there are few of those. What we want is an opportunity to present these goods in the small hamlet where the mill is located and the mining camp is located, and so on, where poor people buy these goods and can not afford to buy butter; and also the grocers that have not a very large capital at their hands and could not afford to pay \$480 a year for a wholesale license or \$48 for a retail license; there is where we want this opportunity. The \$480 tax should be reduced at least 75 per cent, in my opinion. In other words, gentlemen, if you want to pass this bill you should be just and fair with the oleomargarine interests.

Believe the first proposition I made, if you please, that it is healthful and wholesome and nutritious, and something the people should have if they want it. Upon that question there can be no argument. You can, no doubt, find cases where oleomargarine has been put on the market that was not entirely wholesome; but you can say the same of almost any other article of commerce, and you can say the same of butter. Indeed, I could say, without contradiction, that for every pound of unwholesome oleomargarine there are probably 1,000 pounds of unwholesome butter. And yet how ridiculous it would be to enact legislation against butter because there is some unwholesome butter on the market.

Mr. HENRY. What would you say about the retail dealers selling the colored oleomargarine with a tax?

Mr. TILLINGHAST. Of course if you could maintain the license and desired to maintain the tax on colored goods, there would be no objection to that; but I am asking this on the supposition that there would be no colored oleo sold in the United States, and there would be so very little sold that I believe the United States authorities would have less difficulty if they took the whole thing and called it so and so, and made no reference whatever to the colored article, because if a person desires to sell the colored article, and pays a license of 10 cents a pound to do it, that is pretty near all the protection the dairy people would care for, I think, and I do not believe there would be any sale of colored oleo sufficient to raise any commenting. I doubt myself if there would be any.

A MEMBER. That would make the cost of it about 18 cents.

Mr. TILLINGHAST. About 20.

Mr. HENRY. What is the cost to-day without the tax?

Mr. TILLINGHAST. About 10 cents.

Mr. SMITH. That is without the 2 cents tax?

Mr. TILLINGHAST. Yes.

Mr. SMITH. It costs to-day more than it did a year ago?

Mr. TILLINGHAST. Yes, a little more.

Mr. SCOTT. Then it would cost you about 20 cents to manufacture it and pay the tax before you could sell it?

Mr. TILLINGHAST. Yes; there may be a few grades of butterine cheaper than that, but not much. I know that at our last directors' meeting we went over the cost of it for the last three months and it was between 11 and 12 cents.

Mr. MOODY. Now, you strike me as about the fairest man that has been before the committee, not saying anything about anybody else. If I understand you, your position is to no further resist the tax of 10 cents a pound on the colored, and then on the uncolored article to reduce the manufacturers' tax, the wholesale tax, and the retail tax?

Mr. TILLINGHAST. Yes; that is substantially it. I accept the conditions as I find them.

Mr. MOODY. That idea is based on the idea that it is a pure food product?

Mr. TILLINGHAST. Yes.

Mr. MOODY. I think you are right on that. You are engaged, as I understand it, in the business of manufacturing oleomargarine?

Mr. TILLINGHAST. Yes; I am the president of the company.

Mr. SMITH. What is the company?

Mr. TILLINGHAST. The Vermont Manufacturing Company.

Mr. SMITH. Where are you located?

Mr. TILLINGHAST. In Providence, R. I.

Mr. SMITH. And how much oleomargarine do you manufacture?

Mr. TILLINGHAST. We manufacture about 250,000 pounds a month.

Mr. SMITH. And you speak for your factory—and for anyone else?

Mr. TILLINGHAST. No.

Mr. SMITH. You spoke of some butter being pure and some impure, and you insist that oleomargarine is pure. It may be so manufactured as not to be wholesome. What I am getting at is whether that is why you think it should be policed.

Mr. TILLINGHAST. No; that is not the reason why I think it should be policed; but I do think that that feature of it—being under Government control—would constantly keep up a high standard of the article.

Mr. SMITH. That is what I want to know. I would ask what you mean by a high standard. I agree with Mr. Moody that you seem to be very fair.

Mr. TILLINGHAST. There are three manufacturing concerns in Providence, and I am familiar with all of them. I visited them all, and I have never seen any unwholesome materials used there in the manufacture of oleomargarine, and I have never seen any oleomargarine from other parts of the country in the Providence market that I considered unwholesome. I have seen different degrees of quality, but it has all been wholesome.

Mr. SMITH. What is the cause of its being unwholesome when it is unwholesome?

Mr. TILLINGHAST. Well, there might be a great many causes. Of course, when it is unwholesome it is because the ingredients that go into it are not wholesome. That is, the milk might be sour.

The CHAIRMAN. Can you make it with sour milk?

Mr. TILLINGHAST. You could not without its being detected afterwards.

The CHAIRMAN. It would show itself in the face of the oleo?

Mr. TILLINGHAST. Yes, sir; immediately.

Mr. SMITH. Is the milk boiled?

Mr. TILLINGHAST. Sterilized.

Mr. SMITH. The Professor said yesterday, as I understood it, that if there were any disease germs in the milk, by the process of manufacture they would be taken out. You are a practical manufacturer, and I want to know if it is subjected to heat to such an extent as to take out germs.

Mr. TILLINGHAST. I could not tell you that. All I know is that it is sterilized at about 150° Fahrenheit.

Mr. SMITH. You say that if a low grade of oleo is manufactured it is not wholesome, and that is because bad material is used?

Mr. TILLINGHAST. Yes.

Mr. SMITH. Now, if refuse matter such as has been referred to here in discussion, and in discussion before the last committee, is used, would the product be wholesome?

Mr. TILLINGHAST. It would not be wholesome; it would be absolutely impossible to use refuse fats in oleo. They are not used; that is a mistake.

Mr. SMITH. What is this that is used in this low grade that you speak of that is not proper to use?

Mr. TILLINGHAST. I do not say but what it is proper. It is simply a lower grade; it is not so rich and has not quite the aroma of a nicer article.

The CHAIRMAN. Corresponding to the different grades of butter or any other food product?

Mr. TILLINGHAST. Certainly. Of course you can put in a large quantity of butter if you like, if you want to make a very fancy article, and then it will have a better aroma.

Mr. SMITH. As I said before, assuming that you are fair and reasonable in your propositions, I would like to know if you are able to state where the difficulty is when it is not up to the highest grade. I would be glad to know that.

Mr. TILLINGHAST. Well, there is no difficulty. There are no doubt different grades of oleomargarine in the market, varying in price from 1 to 2 and 3 cents a pound, and so on.

Mr. SMITH. Why is not one as good as another?

Mr. TILLINGHAST. Because some are not made of so expensive and nice materials as others are made of. When you are making a high grade, a fancy grade of butterine, you would put in a larger quantity of butter. That would improve the quality.

Mr. SMITH. Is there any thing else that improves the quality except adding butter?

Mr. TILLINGHAST. Well, there may be different grades of oleo, perhaps; I think there are. Swift & Co. put out different grades of oleo, but we have never bought but one grade.

Mr. SMITH. Does your factory make more than one grade of butterine?

Mr. TILLINGHAST. Yes.

Mr. SMITH. What is the distinction between the different grades?

Mr. TILLINGHAST. The only difference is in the addition of more butter.

Mr. ALLEN. Mr. Tillinghast, in advocating a tax, a license, do I understand you to say, to concede, that this tax ought to be placed on it?

Mr. TILLINGHAST. No; I said that it may be.

Mr. SMITH. You concede that it is hard to kick against the pricks.

Mr. TILLINGHAST. That is it.

Mr. ALLEN. If I understand you, your reason for some tax is to put this product under Government control in order that concerns that might be disposed to manufacture an inferior article would not be permitted to reflect upon the manufacture by those who are disposed to give a good article?

Mr. TILLINGHAST. Yes.

Mr. ALLEN. Then it is for self-protection and protection for the public?

Mr. TILLINGHAST. Yes. Of course the whole thing might come in under one general pure-food law which would give equal protection to all.

Mr. HENRY. What is the difference in the manufacture of colored and uncolored oleo?

Mr. TILLINGHAST. Practically none. We use about one pound of coloring matter to four hundred pounds of butter.

Mr. HENRY. The extra cost of the coloring matter?

Mr. TILLINGHAST. Yes, simply the extra cost of the coloring.

Mr. HENRY. In your opinion, then, can uncolored oleomargarine be marketed and sold?

Mr. TILLINGHAST. It is sold to some extent already. I am one of those who believe that oleomargarine now, having been used for a quarter of a century and more, that people, some people at least, having learned that it is a wholesome and cheap article, will continue to use it.

Mr. HENRY. And if there were not any colored they would use the uncolored?

Mr. TILLINGHAST. And if you have the colored out of the way they would be forced to use the uncolored.

Mr. ALLEN. Please state to the committee also in regard to the State laws, or whether it is the desire of you people to have any of those laws changed.

Mr. TILLINGHAST. I stated to the chairman this morning that on account of the severe laws against colored oleomargarine in most of the States, or very many of the States—in fact, Rhode Island is about the only green spot we have on earth that I know of.

Mr. SMITH. That is a small spot.

Mr. TILLINGHAST. Yes, it is a small spot, and we are surrounded on one side by Connecticut and on the other side by Massachusetts, both of which States have the anticolored laws, and of course that limits the sale of the article very much; and of course the uncolored article could be sold freely if we had the colored article out of the way. Of course the area of the business will be very much increased—

Mr. HENRY. Are you making any white oleo at the present time?

Mr. TILLINGHAST. Yes. We make white oleo now.

Mr. HENRY. Are you selling any of it in Connecticut?

Mr. TILLINGHAST. Yes; we are selling small quantities in Connecticut and some in Massachusetts.

Mr. SCOTT. About what proportion of your entire product do you sell in the white state?

Mr. TILLINGHAST. Very small; I could not tell you. Perhaps we might sell 1,000 pounds a month, but I could not tell you the quantity.

One other feature of this bill which I desire to call to your attention is this: I suppose that this is the bill, or whatever bill that you may have under consideration. There is no provision made as to when it shall go into effect, and I suppose when there is no provision made as to when it shall go into effect that it becomes active as soon as signed by the President, or as soon as it is passed by the House and Senate and ten days elapse.



**Mr. HENRY.** The Tawney bill provided for July 1 as the date when it should go into effect.

**Mr. TILLINGHAST.** I was going to suggest that the bill should not go into effect until the 1st of July, because all licenses taken out will run until that time, and it would be a great hardship and almost like confiscating the property of those who have taken out licenses to have the bill go into effect before the 1st of July.

Another feature of this bill which I will call the attention of the committee to—

**Mr. HASKINS.** Which one have you?

**Mr. TILLINGHAST.** I think it is the Grout bill.

**Mr. SCOTT.** The McCleary bill is the Grout bill. The Henry bill also is the Grout bill.

**Mr. TILLINGHAST.** You will find it in the McCleary bill, and it is also in the others on the tenth line:

*Provided, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.*

I am a little fearful that the last words of that tenth line, "or ingredient that causes it to look like butter," may give us some trouble, and I am not sure that they are of any use to the friends of the bill. If you close after the word "coloration," "and advise the consumer of its real character, free from coloration," and stop there, it is better. When you add the words "ingredient that causes it to look like butter," it strikes me that almost any ingredient that we use in the manufacture of oleomargarine should make it look like some butter. If you would put in the word "yellow," making it read "ingredient that causes it to look like yellow butter," that would be satisfactory.

**Mr. HENRY.** Would that be satisfactory?

**Mr. TILLINGHAST.** That would be satisfactory to me. How would that strike you, Mr. Adams, because there is butter that is pretty nearly white?

**Mr. HENRY.** That word "yellow" would improve it.

**Mr. TILLINGHAST.** Of course, I understand there are a good many shades of yellow, but we could get along with that.

**Mr. SMITH.** In newspapers there are several grades of yellow.

**Mr. TILLINGHAST.** Now, gentlemen, if I have made myself clear, I have nothing more to say. I am not going into a discussion of the expediency or in expediency of the passage of this bill. I want, first, the retail and wholesale licenses reduced in such a manner that a person desiring to go into the business of selling white oleomargarine may do so without any restriction, or without any restrictions except those he can reasonably pay for.

Second, that this bill should not go into effect, if it goes into effect at all, before the first of July, 1902.

**Mr. HENRY.** I doubt whether there will be any bill reported before the 1st of July.

**Mr. HASKINS.** And that the manufacturer's license should be reduced?

**Mr. TILLINGHAST.** And that the manufacturer's license should be reduced. I think as a matter of principle it should be. From the manufacturer's standpoint it is immaterial to me whether you do it or not. It is a protection feature, you understand.

**STATEMENT OF MR. A. LARSEN,**

*General Manager of the Standard Butterine Company, of Langdon, D. C.*

**Mr. SMITH.** What company do you represent?

**Mr. LARSEN.** The Standard Butterine Company.

**Mr. Chairman and gentlemen,** I have not come to take very much of your time, and I am not able to express myself in the proper English language as I should be on such an occasion. This is the first time I have had the honor to come before a committee of Congress, and mistakes that I may make in the language I hope will be excused. I have not been very long in this country.

I am engaged in the manufacture of butterine, and outside of the manufacture of the article I shall not want to go into any details.

For the purpose of showing the ingredients used in it I have brought samples, which I hope you gentlemen will look at. The ingredients for making oleomargarine are milk and cream, and oleo oil is used, and neutral lards and cotton-seed oil.

(The witness exhibited samples of the different products of his factory to the committee.)

This is neutral lard; this is oleo oil; this is cotton-seed oil; this is the finished product. This is the finished product where cotton-seed oil is used, and this is the product where cotton-seed oil is not used. The way I make the different grades is simply by the use or not using cotton-seed oil. The cotton-seed oil is very much cheaper and is used in the cheaper grade. In the better grades we do not use such a big quantity. One of the samples shows it with the cotton-seed oil and the other without it.

You may take 90 pounds of milk and cream and 50 pounds of oleo oil, 40 pounds of neutral lard, and 10 pounds, more or less, of cotton-seed oil. In the treatment of the different ingredients, you take the milk; after receiving the milk you run it through a pasteurizer or sterilizer, where it is heated up to a sufficient degree to kill all bacteria or germs, and the degree is described to be between 165° and 170° F.; after that treatment it is run through a cooler, and well aired and cooled down to a low temperature. After that it is left for several hours, and after that it is heated up again and treated with butter culture or cream ripener, and it is left fifteen hours to ripen. The raw material is all treated the same way. It is put into melting vats and heated up to a pretty high temperature, to kill off any bacteria or any other germs that may exist.

The heating, as far as I understand, should not be as high for the oleo oil or the melted matter as it is for the milk. After the treatment of the ripe product the oleo oil is let into a churn where it meets the milk and cream and is worked up in a very similar way to the way that pure butter is churned. After it has reached a certain stage you let it out and cool it off in ice or ice water, just as you may be fixed to do, and from there it is taken over to where it is salted to the taste, and from there it is packed in different shapes and sizes and is stamped, and is ready for shipment.

**The CHAIRMAN.** Is there a Government inspector at your factory all the time?

**Mr. LARSEN.** Not all the time, but he visits it very often. I did not mention that in the churn there is added, besides the raw material

and the milk, a little bit of coloring matter. It is generally reckoned one pound to the composition I gave. That gives the usual color. That is for the States where the color is allowed. Of course, for other States we do not use it.

Mr. SMITH. Do you manufacture any white butterine?

Mr. LARSEN. Yes.

Mr. SMITH. About what proportion?

Mr. LARSEN. Very nearly half of our output.

Mr. SMITH. How much white oleo do you make and manufacture—about?

Mr. LARSEN. I can not give it in exact figures; it is, more or less, half of our output.

The CHAIRMAN. What is your output?

Mr. LARSEN. It is about 700,000 pounds a month.

The CHAIRMAN. And about 350,000 pounds of uncolored oleomargarine?

Mr. LARSEN. Yes.

The CHAIRMAN. Have you any uncolored oleomargarine with you here to-day?

Mr. LARSEN. No; I have not.

Mr. SCOTT. How does the profit compare to you in the manufacture and sale of the white oleomargarine, compared with the colored product?

Mr. LARSEN. Well, white, of course, does not take the eye.

Mr. SCOTT. And you do not make as large a profit on the manufacture of the white oleomargarine as you do on the colored oleomargarine?

Mr. LARSEN. Not as a rule. Of course there are some places where you do, but not as a rule. You do not sell the white as easy as you sell the colored.

Mr. HENRY. Does your uncolored find a ready sale in the market?

Mr. LARSEN. You have to work harder to sell the uncolored goods than you do to sell the colored goods.

Mr. LAMB. For it is more expense.

Mr. LARSEN. Yes.

Mr. DAHLE. Is the uncolored generally of a finer quality than the colored?

Mr. LARSEN. The same thing.

Mr. DAHLE. Do you make many brands?

Mr. LARSEN. No; we only make two kinds. I have only made two up to the present time because we have not been running very long.

Mr. DAHLE. Do we have two samples here, one of each brand?

Mr. LARSEN. One of each brand. There is one with cotton-seed oil and another without cotton-seed oil.

Mr. DAHLE. Do you do the same in the manufacture of the white?

Mr. LARSEN. Yes; the same thing.

Mr. DAHLE. With the two brands?

Mr. LARSEN. Yes; the only difference is that you do not add any coloring matter to it.

Mr. SCOTT. Is there any difference to you in the cost of these two brands?

Mr. LARSEN. Not in the least. That little bit of coloring matter that goes into the better quality does not amount to anything.

Mr. SCOTT. I mean the difference in the cost of that made with cotton-seed oil and that made without it.

Mr. LARSEN. Surely.

Mr. SCOTT. Which is more expensive?

Mr. LARSEN. The one without cotton-seed oil.

Mr. SCOTT. Because butter is substituted for milk and cream, that makes it more expensive?

Mr. LARSEN. Yes.

Mr. LAMB. Do you use the best quality of cotton-seed oil?

Mr. LARSEN. Yes.

Mr. DAHLE. Do you put butter in both?

Mr. LARSEN. We use cream and milk for the cheap grades.

Mr. DAHLE. About how much butter do you use for a thousand pounds, for instance?

Mr. LARSEN. It depends on the make.

Mr. DAHLE. But you tell me you only make two qualities.

Mr. LARSEN. Yes; there are only two qualities, but it would be a different price. The cheaper qualities are only one price. The better quality varies in price, and we add more or less butter, but in our manufacture of oleomargarine we only have two grades.

Mr. DAHLE. Is there quite a difference in the amount of butter in those two qualities here?

Mr. LARSEN. Yes.

Mr. DAHLE. What would be the difference; how much butter in each one to the thousand pounds or to the hundred pounds?

The CHAIRMAN. Put it in how much percentage.

Mr. DAHLE. All right. What is the percentage?

Mr. LARSEN. I should say about 10 per cent of butter in the better and probably 3 or 4 in the cheaper.

The CHAIRMAN. You may go on, Mr. Larsen.

Mr. LARSEN. I don't know whether I have much more to say. I have explained the manufacture, but I do not know whether I have made it plain. I can go further. The consumers of oleomargarine have a positive assurance that it is made in an absolutely clean factory. I have seen creameries where you could find all kinds of unclean machinery or utensils and a good many other things. In the oleomargarine factories that I have seen—and I have seen a good many of them—I have never found one that stood below a creamery regarding cleanliness.

The CHAIRMAN. Do you refer particularly to American creameries and American manufactories of oleomargarine, or to foreign creameries and manufactories?

Mr. LARSEN. I have never seen any manufacturing plants in this country. I have been engaged in the butterine business both in Denmark and in England, and I have seen most of the factories on the other side of the water. In my native home, in Denmark, about four years ago they made scarcely any butterine. They passed a law there where they secured the consumer to such a degree that he knew what he was buying. The way the law was passed at that time was that all packages had to be branded, had to be wrapped in printed wrappers, and all the outer covers had to be branded "Butterine," if it was butterine. That was on the other side of the water.

Mr. SMITH. What country are you referring to now?

Mr. LARSEN. Denmark. The laws in England of course are very much the same. The packages have to be branded.

The CHAIRMAN. The law is the same in England, that the outer covers have to be branded "Oleomargarine?"

Mr. LARSEN. And at that time in my home there was hardly any butterine used. Last summer in my home I questioned some of the creamery people there and asked them if they thought that the butterine business was harming the butter business in any way at all. The gentleman I asked said "No." He said, "In view of the standard the butterine people are running on now the butter people have to be very much awake, and," he said, "if we didn't have their butterine here I think we would never have gotten up to the standard of butter making that we have reached." I suppose these gentlemen know that Denmark has kind of a record for butter making; that is, more in quality than in quantity. There is only a comparatively small quantity produced, but the quality is first class. I think very nearly all the butter that is made there is exported, and the figures of exports, which, I am sorry to say, I can not furnish, show a gradual increase every year in the amount of butter exported from Denmark. People may think that it must be on account of increasing the number of cattle, but that is not the case. Take that country to-day and you will find that the creamery men and everybody else are eating butterine. They are buying the butterine and selling the butter.

Mr. ALLEN. Are they pretty healthy people?

Mr. LARSEN. All of them, more or less, of course. This creamery man is a personal friend of mine, or he was years ago. I said to him, "Do you use butterine on your table?" He said, "Yes; certainly. I would not like to put my butter at 90 on my table when we can get butterine for 65, and not only that, but butterine stands alongside of butter any time."

Mr. HENRY. Do they color it there the same as they do here?

Mr. LARSEN. No. Yes; there are certain shades allowed, but it is very, very light.

Mr. SCOTT. How does the color of butterine in that market compare with the color of butter?

Mr. LARSEN. There is so much butter sold uncolored. All that they export to the London markets is uncolored.

Mr. SMITH. What is your color of the butterine that is uncolored?

Mr. LARSEN. That is a kind of straw color.

Mr. SMITH. The natural butter color?

Mr. LARSEN. Yes.

Mr. SMITH. That is why you color it that color—so it will pass for butter?

Mr. LARSEN. I don't know that that is the intention. The law was passed to allow it to be colored in certain grades.

The CHAIRMAN. How near does the law permit you to color the Danish butterine to the Danish butter under your law?

Mr. LARSEN. I do not think I can draw any line. Some of the butter is highly colored and some may not be. The law allows that much color and no more for the butterine. Of course the butter is colored according to the milk. All butterine is alike.

Mr. SCOTT. In the ordinary market is it easy to distinguish by the color between Danish butterine and Danish butter?

Mr. LARSEN. No.

Mr. SCOTT. In France and in England, and all the best markets, the tendency is toward the uncolored butter?

Mr. LARSEN. The uncolored and the unsalted.

Mr. SCOTT. The taste is running in that direction?

Mr. LARSEN. Yes.

Mr. HASKINS. Which do you consider the superior article—butter or butterine?

Mr. LARSEN. It may be looked at in two lights. The butter is the old article, and when it is made pure and the cream well treated before it is churned it is the superior article.

Mr. HASKINS. Because it is the superior article, that is why you use butter in your higher grade oleomargarine?

Mr. LARSEN. Yes, sir. But my opinion of the butterine is, putting it altogether, that it is the purest and the cleanest article. I have noticed in this country, which I will allude to now, that in a good many creameries which I have visited I have seen the butter maker come right from the barn, where he may have been milking the cows, and go straight to the creamery and start working butter without changing his garments or even washing his hands. When it comes to cleanliness, you will not find any butterine factories that will treat the article in such a way. In other words, concerning the creameries and the factories, a majority of the creameries are only very small establishments. It seems to me either they can not afford to put the proper arrangements there or they may not have the eye for it.

Mr. HASKINS. What quality of butter do you use in your higher grade of butterine?

Mr. LARSEN. The best butter we can get.

Mr. HASKINS. Do you buy any in the open market?

Mr. LARSEN. Yes.

Mr. DAHLE. Do you know anything as to what other manufacturers of oleomargarine do as to the pasteurizing of cream? You informed us that you pasteurized all your cream.

Mr. LARSEN. Yes.

Mr. DAHLE. Do you know anything regarding others in that respect?

Mr. LARSEN. I can not say about any other manufacturers in this country; I have never had the pleasure of visiting any of them; but I suppose they treat it in the same way. In the old country it is a rule that it is to be treated in that way to get the proper quality of butterine.

Mr. DAHLE. How high do you heat the product that goes in?

Mr. LARSEN. The milk and cream?

Mr. DAHLE. Yes.

Mr. LARSEN. From 165° to 170° F.

Mr. SCOTT. And how long is it held at that temperature?

Mr. LARSEN. It is not held there long; as far as I understand, when it is brought up to that temperature it only needs to stay there a minute or two, and if it is cooled quickly down to a low temperature and left at that temperature for several hours, all impurities and germs should be killed; but the raw material, the fatty matter used for the manufacturing, is brought up very slowly to the high temperature, and kept there two or three hours.

Mr. HAUGEN. At what temperature?

Mr. LARSEN. For the raw material?

Mr. HAUGEN. You said it was cooled.

Mr. LARSEN. Generally 38° or 40° F.

Mr. DAHLE. Is it necessary to pasteurize the cream?

Mr. LARSEN. If you want a pure and clean quality you have to do it.

Mr. DAHLE. Is it for the taste you do it?

Mr. LARSEN. No, it is for the purity.

Mr. DAHLE. Do you manufacture, for instance, this material here in the market with neutral lard?

Mr. LARSEN. The by-product.

Mr. DAHLE. Is this butter?

Mr. LARSEN. That is butterine, I think.

Mr. DAHLE. Do you produce oil, or do you buy that?

Mr. LARSEN. We buy that.

Mr. DAHLE. Is there anything, then, that you have to heat as high as 165 degrees in your manufacturing?

Mr. LARSEN. Yes, in preparing for the churning or manufacturing, we do.

Mr. DAHLE. You have to heat this product again?

Mr. LARSEN. Yes, again; that is for further security. It is not supposed that any bacteria should exist in the fat.

Mr. HASKINS. What effect, if any, does a high temperature have upon the digestive qualities of the article?

Mr. LARSEN. Take the cream. Bringing it up to the high temperature you get a weaker flavor. If you do not pasteurize you get a very high flavor, and it stays for a short time. If you pasteurize you get much less of it, but it is pure, and it stays for a long time.

The CHAIRMAN. That is one of the reasons why oleomargarine will remain pure and sweet longer than butter, is it not?

Mr. LARSEN. Yes, it is treated better. Of course there are creameries—

The CHAIRMAN. The bacteria in it are killed?

Mr. LARSEN. Yes.

The CHAIRMAN. And it does not become rancid in so short a time as butter does?

Mr. LARSEN. No; and the factory itself is always kept in a neat and clean state.

Mr. DAHLE. I understand you to state that your creamery is very neat and clean?

Mr. LARSEN. Yes, sir.

Mr. DAHLE. Is it, however, necessary, because yours is so, that all others are, any more than because some creameries, for instance, Governor Hoard's, is clean, that all other creameries are clean?

Mr. LARSEN. Of course there are creameries that stand along with oleomargarine factories.

Mr. DAHLE. And you claim that because yours is clean that all others are clean?

Mr. LARSEN. But it is not so in a majority of cases.

Mr. DAHLE. Do you know that?

Mr. LARSEN. No.

Mr. DAHLE. Are you referring to creameries and factories in the United States?

Mr. LARSEN. No; I have not had the pleasure of visiting them here.

The CHAIRMAN. Go on with your statement.

Mr. LARSEN. I have not much more to say. I do not want to touch upon any of the bills, or speak outside of the manufacturing part of this business. Of course, any questions I will be only too pleased to answer.

The CHAIRMAN. You have finished your statement, then?

Mr. LARSEN. Yes.

The CHAIRMAN. And if any of these gentlemen want to ask questions they can do so.

Mr. DAHLE. Mr. Larsen, why do you suppose that oleomargarine factories might not just as well be dirty—some of them—as creameries may be dirty—some of them?

Mr. LARSEN. I should not like to imagine it, because I have never seen one that is.

Mr. DAHLE. You have not seen an oleomargarine factory that is dirty?

Mr. LARSEN. No.

Mr. DAHLE. Have you seen creameries that are dirty?

Mr. LARSEN. Yes.

Mr. DAHLE. But there is no reason why oleomargarine factories might not be dirty as well?

Mr. LARSEN. No, surely not; not if they were not taken care of.

I have just been handed a sample of the best pure butter that can be bought on the market.

Mr. ALLEN. Do you know personally about this?

Mr. LARSEN. No; I have it from information.

Mr. ALLEN. We had better let the party that bought the butter tell about it.

Mr. DAHLE. One moment. I want to ask one more question. Do you know of any reason why process butter could not be used in the manufacture of a cheap quality of oleomargarine in the place of the highest grade of butter?

Mr. LARSEN. I could hardly answer that question. I have never experienced anything of process butter. I have seen it made, but I have never cared to ask any questions about process butter.

Mr. DAHLE. Do you see any reason why it should not be used in the way I have stated?

Mr. LARSEN. I would not consider it good enough.

Mr. DAHLE. Why?

Mr. LARSEN. The process butter is bought up and rechurned, and I could not imagine it fixed up in butterine.

Mr. MOODY. The reason you use the very best and highest grade of butter in making butterine is in order to get the butter smell or aroma into the butter, is it not?

Mr. LARSEN. Yes.

Mr. MOODY. That is the reason?

Mr. LARSEN. Yes.

Mr. MOODY. And if you were to use process butter or a low grade of butter you would not have the butter smell?

Mr. LARSEN. You would not get a special kind of aroma.

Mr. ALLEN. You get some smell, but not the aroma.

Mr. MOODY. You want to present those samples?

Mr. LARSEN. Yes; the gentlemen brought them to me to present them to the committee.



## STATEMENT OF MR. L. L. POWELL.

The CHAIRMAN. What company do you represent?

Mr. POWELL. I represent the Standard Butterine Company, of Washington, D. C.

The CHAIRMAN. You wish to show the two products, butter and butterine, alongside of each other?

Mr. POWELL. Yes; these two [indicating].

The CHAIRMAN. One is a pound of butter bought from Oyster at 35 cents a pound?

Mr. POWELL. Yes.

The CHAIRMAN. And the other is—

Mr. POWELL. Butterine retailed at 20 cents a pound.

The CHAIRMAN. A difference of 15 cents?

Mr. POWELL. Yes; I brought the bill with me, receipted, showing that I paid 35 cents a pound for it.

The CHAIRMAN. The committee will have a chance of observing, probably, the best quality of the two articles.

Mr. ALLEN. Is that your best grade of butterine [indicating sample which was produced]?

Mr. POWELL. Yes, sir.

Mr. ALLEN. I would like to ask Mr. Powell a question.

The CHAIRMAN. Very well.

Mr. ALLEN. Do you know that is butter?

Mr. POWELL. I have the statement of one of the most responsible dealers in the city of Washington that it is.

Mr. ALLEN. Who is he?

Mr. POWELL. Mr. James F. Oyster.

Mr. ALLEN. You applied for butter?

Mr. POWELL. Yes; I asked for the best butter and they gave me this.

Mr. HASKINS. Do you know where it is manufactured?

Mr. POWELL. I do not. I was told by Mr. Oyster that this was his best butter, and I think anyone knowing him will testify to his responsibility.

Mr. SMITH. Are you a member of the company manufacturing butterine?

Mr. POWELL. I am an interested party.

Mr. SMITH. Who is the president?

Mr. POWELL. Walter P. Wilkins is the president of the Standard Butterine Company.

Mr. SMITH. There has been a rumor around here that he is under indictment for some violation of the laws.

Mr. POWELL. He is not; no, sir.

Mr. SMITH. Was it his brother?

Mr. POWELL. A brother of his was indicted; yes, sir.

Mr. SMITH. For taking off the stamps from oleomargarine?

Mr. POWELL. If you will permit me, I would like to explain that. I understand that Mr. George S. Wilkins was on one occasion removing stamps on butterine to be shipped to Cuba, he being advised, as I am told, that there was no basis of taxation which had been agreed upon between the United States and Cuba; that it was at the time the war was on and that there was no objection to his doing that. Hence he

was removing those stamps. But he was indicted and tried and sentenced, and shortly thereafter he was pardoned by the President of the United States.

Mr. SMITH. For removing the stamps so that the oleomargarine would not appear to be oleomargarine?

Mr. POWELL. Yes, sir.

Mr. SMITH. You say he was pardoned?

Mr. POWELL. He was pardoned by the President of the United States; yes, sir.

Mr. HAUGEN. Do you take the same position that Mr. Tillinghast took, that if the tax was placed on colored oleomargarine it would practically drive it out of business?

Mr. POWELL. I think so.

Mr. HAUGEN. You have just stated the cost of this butterine you have exhibited is 15 cents per pound?

Mr. POWELL. Yes, sir.

Mr. HAUGEN. Now, then, if one article is as good as another and will sell for as much as another, how do you harmonize your statements?

Mr. POWELL. There is this to say. We do not believe the average working man in this country can afford to pay 35 and 40 cents a pound for butter. If he buys anything he has to buy something that costs him less than that, and in ninety-nine out of one hundred cases it is reasonable to suppose he is purchasing renovated butter, which is deleterious to health. Consequently when we sell him oleomargarine at 20 cents a pound we are satisfied we are giving him something that will prove satisfactory to him. It is recommended to him by physicians as being wholesome, and he gets it so low as to be able to get it at all times. We do not come into competition with the high-grade butter, but we do come into competition with the renovated and low-grade butter, giving a superior article for a low price.

Mr. SCOTT. I wanted to ask whether you are representing the same company as Mr. Larsen represented.

Mr. POWELL. I am interested in that company, having money invested in it, and I have been here because I wanted to see what was going on, naturally being interested.

Mr. SCOTT. He made a statement that about one-half of the product at this factory is now sold uncolored.

Mr. POWELL. I think Mr. Larsen is in error regarding that, due to this fact—that we manufacture lighter grades of oleomargarine and a deeper grade of oleomargarine, so far as the color is concerned. I think in all of our goods we are using a certain amount of coloring.

Mr. SCOTT. In all of your goods?

Mr. POWELL. I think so; that is my impression. I have no direct information, as I am not connected directly in its manufacture. I am simply an interested party in the results to be obtained.

Mr. HAUGEN. You are not employed in the factory?

Mr. POWELL. No, sir.

Mr. SMITH. I was going to ask, would there not be a danger if oleo is colored so as to look like butter, of process butter being sold for oleomargarine. Ought there not to be a color to prevent this?

Mr. POWELL. Under the laws as now existing a man selling oleomargarine must stamp it, and my belief is that a law should be enacted making the punishment so severe to be meted out to those selling

oleomargarine as butter that it will put forever a protecting band, as it were, around the sale of both articles.

Mr. SMITH. But if violators of the law are pardoned by the President that will not do much good.

Mr. POWELL. But the circumstances of that case were a little peculiar. The basis of taxation was not agreed upon between Cuba and the United States at the time the stamps referred to were removed, and he did not suppose that he was violating the law. His belief was based upon the opinion given to him by parties well up on the subject.

Mr. SMITH. And he laid it to his lawyer's advice?

Mr. POWELL. The lawyer as a rule seems to be the adviser in most cases requiring the construction of the law.

Mr. MOODY. And they are not infallible.

Mr. POWELL. No. You gentlemen that provide the laws are substantially in a position to know.

Mr. SMITH. This gentleman who is standing by you [referring to Mr. Larsen] is the man who manufactures?

Mr. POWELL. Yes.

Mr. SMITH. And he ought to know.

Mr. POWELL. Yes, unquestionably; and I do not mean to controvert what he says.

Mr. SMITH. And you have no knowledge of the details of the business?

Mr. POWELL. No; save that I have gathered a good deal of information, having inspected a great many plants in Europe and some in this country.

Mr. SMITH. But you do not know the details in regard to this plant?

Mr. POWELL. I do not, save that the plant, we think, is one of the finest of its kind in the world.

The CHAIRMAN. Let me say right here that there is an invitation extended to the committee to visit the factory on Saturday at any hour they desire, and it is promised that the trip will not take over two or two and a half hours.

Mr. DAHLE. I understand that there are two manufactories here, and it may be that we are invited to visit both.

Mr. MOODY. The invitation comes from Mr. Wilkins's factory.

Mr. POWELL. The Standard Butterine Company. We have no information regarding other companies.

Mr. MOODY. Mr. Wilkins is the man at the head of the company?

Mr. POWELL. Yes, he is at the head of the Standard Butterine Company.

Mr. SCOTT. I would like to ask if you could present to-day or to-morrow, or at some subsequent day, an official statement from the factory you represent showing exactly the proportion of the white product—the proportion it bears to the entire product—what part of your product is sold white.

Mr. POWELL. I think I can, sir. I will make an effort in that direction, I am sure. I will be glad to do what I can in securing the information for you.

**STATEMENT OF WILTON J. LAMBERT, ESQ.,**  
**ATTORNEY FOR THE STANDARD BUTTERINE COMPANY OF LANGDON,**  
**D. C.**

**Mr. LAMBERT.** Mr. Chairman and gentlemen of the committee, I feel like apologizing for trespassing on your time with so much of the Standard Butterine Company's affairs to-day, but I understand the chairman and clerk of this committee arranged to take the different interests represented here seriatim, and to have the different representatives of the different industries speak in order. I had hoped before I took the stand to-day to have before you one of our most celebrated doctors in the District, Dr. McArdle. He was to be ready and equipped to discuss this matter on the line that Dr. Kober did yesterday, and throw some additional light on the scientific aspect of the case; but the doctor, I presume, has unavoidably been detained, and therefore my remarks will come a little sooner than I had anticipated, and a little sooner than I had fully arranged for.

I do not agree altogether with my brother Tillinghast, who preceded me, although I hope I will impress this committee as being equally fair. I want to say at the outset that I am one of those dreaded creatures, the paid attorney. I am general counsel of this company, and I say that in order to anticipate any inquiries on that score and thus save the gentlemen of the committee any trouble in that direction. But I believe, and believe earnestly and honestly, in the side of the cause I am here representing, and I think I can conscientiously say that if I did not do so I would not be here addressing you to-day.

I do not agree with Mr. Tillinghast that we have a losing cause whenever we believe that we are in the right. I think that when a man has his convictions and feels that after sincere and deliberate consideration the premises from which he has adduced his conclusion are correct, that those conclusions are correct, honorable, and lawful, and that he need not fear to go before any jury or any body of men raised in intelligence above our juries, to a considerable extent, and say that he believes that his case is prejudged or predisposed. I believe every fair-minded American is ready to sit in judgment on any question that may come before this Congress or any body of men which is to decide upon such questions. I believe that body of men is of such a caliber in this committee, such caliber as American citizens, that they can hear the evidence adduced on one side and on the other, on this or any other subject affecting the rights of individual citizens, and can draw their conclusions, not according to what may be a popular clamor or a biased statement by the press or other people who may be raising a clamor in regard to this or that side of the question, but that they can make their verdict according to what the facts show to be the case as those facts are produced before them.

Now, I believe in being absolutely fair as far as I can in treating or disposing of these questions that may be under consideration, and I admire the more than fairness—the generosity—that was manifested by my predecessor, Mr. Tillinghast, in his discussion of the arguments of the dairy producers of the country. But I say that while I propose to be as fair as I can, and while I propose to treat this question as far as possible impartially, I can say, and must say, that it is incumbent upon every man who assumes this part of the proposition to treat this

with some degree of bias, in view of the vicious and unwarranted arguments and eminently unfair statements that have been made before this committee, in evidence or argument on the brief, that has been submitted on behalf of the dairymen to this committee.

I say that from beginning to end that pamphlet—and I have read it only since yesterday—teems with a vicious assault upon the legitimate oleomargarine industry, and that there is not any part of it which undertakes, even to the extent of 50 per cent, to deal fairly with the other side, with their opponents, who come here, and, as Mr. Tillinghast has, represent the facts as fairly for one side as for the other. I never read a brief in the courts, in the ten years that I have been practicing at the bar of the District of Columbia, that was so thoroughly infected with the animus of one particular side of a case as is embodied in the statements made here by the gentleman who opened this case on behalf of the dairymen commissioners.

I invite your particular attention to every word that is embodied in this brief or this opening argument, and I say that no fair-minded citizens can arrive at any other conclusion but that from beginning to end, while he has charged fraud, deception, dishonesty, and so on, there is not a particle of truth of any fraud or deception being practiced by the oleomargarine people. Whatever little scintilla of evidence, or alleged evidence, is shown in the documents exists in the shape of the grossest kind of hearsay testimony, concerning which there is not a lawyer at this table who would not say it is absolutely foreign and should be thrown out, and that the person who advanced it should be criticised for having interpolated it into the discussion. I start on page 4 of this argument:

The truth about the oleomargarine business is that the entire traffic from one end of the country to another is one gigantic fraud, bolstered up and perpetrated through corruption and imposition, a true example of which has been here shown.

“Here shown” is some vague statement made by this one or that one, or the other one, to the effect that that corner grocer or this corner grocer, or somebody else, had sold somebody something that was not butter when he asked for butter, that this was what somebody told him. Or perhaps he heard it from some disgruntled employee of the establishment. There is nothing there except the bare allegation of fraud which does not make the faintest kind of a *prima facie* case. I will read further:

How have the oleomargarine makers and venders endeavored to shield themselves against the wrath of an outraged people?

The premise has not been proven and is most fallacious, because the people are not outraged, and the people, if they did not want butterine, would not have to take it.

By the cowardly act of endeavoring to protect their disreputable traffic by placing between themselves and justice the man who raises the steer, the hog, and grows cotton.

That is the argument, gentlemen, that is brought here to meet the assertion of the oleomargarine people that we have an industry that is beyond suspicion when it is in its better grades, when it is not of a character that is injurious to the health, for I admit that any food product may be made to be injurious to health. And the oleomargarine people come and say we have a substance which is perfectly healthful, and in the composition of that substance we use a certain proportion

of pork meat, we use a certain quantity of the steer, and we use a great quantity of the oil made from the cotton seed. And we say that we benefit the manufacturers or the growers of those products just to the extent that we use their products in the composition of our material.

That is what they say; but because they say they do this, and they are ready to prove that they do it, all that the dairy commission can do in connection with it is to say that it is a fraud to disturb the mind of the so-called outraged people, and say that you use their products, when, as a matter of fact, there is no evidence to controvert that this product is used with a great benefit to the farm.

They have told the cotton-seed oil people that the very existence of their business depends upon the manufacture of oleomargarine colored in semblance of butter.

Every bit of that is true. It was not very long ago that the cotton-seed oil industry was not heard of, was not known. It was only a comparatively short time ago that the inventive genius of the mechanics and inventors was taxed to the utmost to try to devise some method by which the cotton seeds could be eliminated from the cotton, in the thought that, if it was done, the cotton would be produced at such a saving that it would mean millions of dollars to the growers of the cotton throughout the South, and it was not until about the time that this industry sprung up to take possession of the oil that was made from that cotton seed that the grower of the cotton discovered the fact that his oil as made from the cotton seed was equally as valuable, if not in many instances more valuable to him than his cotton crop. I say that has been proven over and over again by figures, and it does not lie in the mouth of any opponent of this industry to say that you should not use that as an argument because it may be against us if you do. That is child's play. They say:

Who gets the difference between the price paid the farmer for butter and that paid for other animal fats? Do you imagine that you get your meal at a hotel any cheaper because they serve oleomargarine for which they have paid 12 or 15 cents per pound instead of butter costing 20 cents? Do you suppose the retailer takes chances against State laws for the same margin he makes on butter?

That is their argument. Just consider it a moment. That is the argument they use in trying to show you who gets the benefit. Why didn't they deal fairly, why did they take the isolated case of the hotel and say, as he has done, "Do you get your board any cheaper on account of the fact that the hotel keeper buys oleomargarine?" Why do they not deal fairly and say that the wage-earner is not able to pay 35 cents a pound for butter, but that he is satisfied to take oleomargarine, and wants it and asks for it? But he wants it also to be pleasing to his eye as well as to his palate.

Why do they not say, "Do they get the benefit of the oleomargarine industry?" A more contracted statement of a supposed case I never read than that section—that the body of the poorer classes of the people are not benefited by the thriving of this industry within proper lines, because you do not get your hotel bill any cheaper or your board at the hotel any cheaper because the hotel may use oleomargarine. And they are assuming a premise that they have not proved, because they are assuming that that hotel, and all hotels, use oleomargarine and butterine before they deduce such a conclusion. That is the convincing argument which shows you who gets the benefit. They have

not shown yet who gets it, unless they meant that the hotel man was the one. But they have not shown that the hotel man used the oleomargarine.

Now, as a justification for the coloring—and they are frank enough to meet this part of the issue, and I give them full credit for it—

The real question is, Shall oleomargarine be colored in semblance of butter?

I want to say at the outset that oleomargarine is not colored in semblance of butter any more than butter, when it is changed to what they call creamery butter, is colored in semblance of oleomargarine; and there is no inherent right in the individual, under the Constitution of the United States, that gives him the right to color butter in imitation any more than it gives the individual the right to color oleomargarine, if you choose to call it—not butter, for there is not a particle of oleomargarine on the market that is colored in imitation of butter, but if it is colored at all it is colored in imitation of colored butter. That is the thing that goes to the bottom of it. And why has not the maker of one product the right to use a color as well as the maker of another product? That is the real question here as to the color matter. And they say:

We do not care how much oleomargarine is made and sold so long as it is manufactured so as not to conflict, through deception, with the sale of butter.

Why, gentlemen, you might just as well say that the manufacturers of olive oil do not care how much cotton-seed oil is manufactured so long as it does not interfere with the sale of olive oil, and for that reason the manufacturers of olive oil have a right to come here and say that persons can not manufacture cotton-seed oil, or, if they do manufacture it, that they shall change its color or can not color it—as everybody knows it is colored—the color of olive oil. There is just as much reason in one as there is in the other, and the conclusion is unanswerable.

A manufacturer may produce an article to be used as a substitute for coffee. He may incorporate into this substitute all the elements he desires to make it capable of taking the place of coffee in consumption. Up to this point his business is legitimate. But the minute he goes further and makes the substitute in semblance of the coffee berry in order that it may not be distinguished from coffee he makes an imitation and counterfeit, and the very fact of his so producing it is evidence of an intent to deceive the public.

Now, everybody knows that the consumer of coffee, as a rule, does not buy the coffee in its raw state. The consumer of the coffee goes and buys the coffee in its improved condition, and he never sees the coffee berry. And it might be just as well and proper and reasonable to say that you can not give a man a substance that has the color of coffee when it is not made out of coffee grains as it is to say that you can not furnish a man butterine, colored as it may suit the public fancy to have a product of that kind colored, to put upon his table or to consume, placing before him the fact always that what he is using is not butter, as it is to say that you can not serve a man a cup of this Postum Coffee Food, because when it is put on the table it is the same color as the color of coffee. And I say that there is just as much argument in the one position as there is in the other.

They ask, "Why should oleomargarine be colored? In its natural state it is grayish white."

That is not so. In its natural state it has a yellow tinge. But

- assuming that they are correct, I answer that by asking another question: Why should butter be colored; why not sell it in its white state, which is its natural state for nine months in the year? Why not sell it in its natural state so long as you sell it as butter and so long as you sell oleomargarine as oleomargarine and butterine as butterine? That is the answer to it complete. We want to color it because the people have, as they have in regard to olive oil and as they have in regard to coffee, and in regard to innumerable articles of food, become accustomed to use a color which satisfies their eye, and I say if they want it, providing you guard against the deception, if they want it, they are entitled to have it. They are entitled just as much to have a yellow color of butterine as they are entitled to have a yellow color of butter. That is the proposition and you can not get away from it.

Now, the only answer that I have heard made by any intelligent individual to that is that we have got to make some sort of a regulation to prevent the possibility of A, B, or C being imposed upon by thinking he is buying butter when he is really buying butterine or oleomargarine. Gentlemen, I say it is the duty of the legislature, first, to find out whether it can not devise a system or a law to protect these citizens against an imposition of that kind before it comes and strikes a blow at the heart of a legitimate, and an admittedly legitimate, industry and crush out of existence the hundreds of wage-earners and the thousands and millions of dollars that people have honestly put into the manipulation of a proper, and what they supposed was a regular industry, and for the benefit of the human race.

I say it is coming to a very sad pass in our history if we can not arrange our laws in such a way as to protect one article of food, etc., indefinitely from the imposition on the public of imitations. Try your laws first; do not strike, as the people who want to annihilate an industry would have you believe it is proper to do, at the heart of an industry and crush it out; give them a chance first to see if there can not be some way or means devised by which a regulation can be put upon it to guard against imitation of coffee or olive oil or imitations of anything else. It has not been tried, and that is what the people and those who have honestly followed a line of action in this connection are first entitled to, I submit, at the hands of their representatives.

You are here charged with the duty of guarding both interests, seeing that justice is done between the two, and injustice is done to neither. In that connection try, first, if you can not govern these as well as you assume that other industries are guarded against deception and imposition. A little further on in this argument it is said that a reason why butterine should not be colored is that it is growing popular to have white butter; that it is growing popular to put on the hotel tables butter absolutely uncolored, and they would have you believe that they feel magnanimously toward the butterine industries. They say: "This fashion is growing, and we give you the benefit of this fashion and give you the chance to come in and have your butter on the scale with the highest social qualities that are presented by the hotels."

That argument is a complete stultification of the whole scheme of argument that preceded it. It stultifies its makers, and if they are honest in it, let them come here and agree to pass a law that prohibits the coloring of butter as well as the coloring of oleomargarine. Let



them come in and enjoy equally the chance of having their butter on the tables, as they express it, uncolored. Let them do that. We do not want it all; we do not want a corner in the market in that connection. We are willing to say: "This is such a great privilege you are offering us that we do not want to take it by ourselves; we want you to join and take half the loaf with us."

And see how quick they will come, and see how quick a proposition of that kind answers completely any assertion such as I have referred to in this pamphlet. In a session of this committee, or two sessions, I could **not** do justice to the vicious character of the assaults that are made on the oleomargarine industry; but there is not a fair-minded man in this room, there is not a fair-minded man in the country, who can read that clause which refers to the question of who gets the advantage of the cheaper product, and their answer to it, and not say it was not written by a biased intellect, inventing words to uphold a side or contention; or, to use more charitable language in connection with it, he was driven to the wall and had to hedge with the best means at his disposal for meeting a proposition which he knew he could not overlook.

Yesterday I listened here with considerable interest to the paper that was read by Dr. Kober, and I listened with interest to the examination that was made of that gentleman in regard to that paper by the different members of this committee, and there were some questions and answers that struck me were to some extent pertinent. I remember there was one observation made by a gentleman, who I do not believe is here to-day, who asked him if the process of sterilization did not eliminate—that was the question—decomposition, and was it not possible or probable that oleomargarine manufacturers might take the decayed meats and tainted bits from the hotel tables and place them in their vats and by a system of sterilization and intense heat eliminate those tainted or decomposition odors to such an extent that they would not be present in the product when it was finished.

The answer that the Doctor gave to that was that the decomposition would be arrested, and he thought that it would be present in the way of an odor, and the gentleman did not seem to credit or see how it was possible to eliminate all properties of odor in connection with that material. Now, a very simple illustration occurred to my mind at the time, which I know has come within the experience of every gentleman at this table at some time or another, for you have all been travelers and you have all had to put up at hotels that have not been of the best at different times. I know that has been my experience, and I assume that every gentleman in the room has traveled around the country and has had the same experience. You may go into a hotel and order a beefsteak and say, "Have it well done," or you may order a chop or anything else of the kind. The waiter brings it to you cooked almost to a cinder and you turn as quick as you touch it, maybe you have not even tasted it, and you tell the waiter, "That is not fit to eat; it is tainted."

The odor is there; every bit of it is there. The decomposition by means of that fire has been arrested, but that odor is there, and it nauseates the stomach and renders that meat impossible of consumption by the individual. Now, I say if that is the cause present in meat it is present also in the fat which has been alleged here would be used for the purpose of making poor grades of oleomargarine, and I say if

such a condition was present it shows conclusively the fact that the fire does not take it out; and if such a condition was present the dealer or retailer could not sell that to save his life; it would be a drug on his hands.

That is the answer to the question as propounded by the gentleman on yesterday.

There is another feature that I have not heard touched here, and that is in regard to the difference in purity of properly made butterine and butter. There is no doubt in the world, gentlemen, that you can go over this country and you can find creameries that are just as dirty and unhealthy and unwholesome, in my judgment, in their product as any butterine factories that can be found anywhere. I was also surprised, from the experience I have had in traveling over this country, from one section to another, on matters of this kind, and knowing the general way in which butterine is made, at a question being asked if it was not obnoxious to go within the immediate vicinity of a butterine factory or an oleomargarine factory.

Gentlemen, the question only illustrates the fact that the propounder had never gone within practical viewing distance of one of the larger factories, and I hope he will avail himself of the earliest opportunity to inspect not only one but all that can come under consideration, for I say that I have been in creameries and I have been in butterine factories, and I have found—take it grade for grade—the best of one and the best of the other, that the creamery has more disagreeable odors in connection with it than the butterine factory ever had; and that is susceptible of ready proof.

Now, there is an ingredient of butter which I had hoped Dr. McArdle would bring out fully, and which has probably been presented to this committee, that is known as butyric acid. That is a germ or microbe that exists in all butter that causes the substance to become rancid, and nothing probably is more disagreeable than rancid butter. The chemists throughout the country have for years been endeavoring to discover some process by which they could eliminate the presence of butyric acid in milk or cream from which the butter is made, in order that they could minimize or eliminate entirely the tendency to rancid butter. They have used chemicals of every description, they have used notably the disinfectant known as formaldehyde.

They have arrested to a considerable extent and have minimized it over what was the condition years ago the presence of butyric acid, but they have not been able to drive it out by a long shot, and to-day they can not keep butter any appreciable time without its becoming rancid, and in addition to that they have discovered that the use of these chemicals, and those that afford the best results especially, are not in many instances the best for the system or do not promote the general health. That substance known as butyric acid is practically eliminated in the product of oleomargarine or butterine and eliminated not by the use of chemicals at all, but by the use of heat, sterilization, which drives it out and which renders it possible to keep this oleomargarine for a great length of time in absolute purity.

I know that you can not get a single chemist in the United States who will not agree with the proposition, although the time is not ripe yet for them to go as a body before the public and say this butterine is purer chemically than butter, because it is to a certain extent in its

elementary stages and the people have to become, as Dr. Kober said, educated up to it, but I do say that no chemist can say that it is not chemically pure, and the reason that it is chemically pure is largely due to the fact that butyric acid, which gives us rancid butter, is eliminated from butterine. That is a question which is worthy of consideration by the gentlemen of this committee, assuming, as I do, that every gentleman is willing to hear evidence and render his verdict according as the weight thereof may show the right to be.

I want to say one word in connection with the benefit to the farmer. I have spoken of the producer of cotton-seed oil and the producer of the beef ingredients; I want to say a word in connection with the farmer and the dairyman who manufacture the milk, and I say it is a subject which needs careful consideration, and I believe that in the course of time the conclusion will be reached by the dairymen and the farmers that he is better off, as a laboring man, he is better off by reason of the increase of industry in proper butterine lines than he is to make his butter, because he finds a ready and quick sale for all of his milk; he does not lose any of it by reason of its becoming sour, and he does not lose any by the fact that he can not use anything but the cream. I do not mean by that that butterine factories use sour milk, but I mean that they consume their milk so quickly and rapidly from the farmer that it is not left in his hands a sufficient length of time for it to become sour.

The CHAIRMAN. How much milk do you consume a day at your factory?

Mr. LAMBERT. We are consuming from 2,000 to 2,400 gallons a day.

Mr. DAHLE. What percentage of the product?

Mr. LAMBERT. That is about 30 per cent of the product.

Mr. DAHLE. Is that the common use?

Mr. LAMBERT. That is the common use in the better or higher factories. Of course, I can not say that there are not low orders of butterine made, the same as there are low orders of butter. There are low orders of every food made. But I do say that there is a line of demarkation that should be applied in the consideration of this matter, and that you should consider the factories that are making the proper and higher grade of the material. I am speaking only for factories of that kind. I have no consideration for or sympathy with the factories, if there are any in existence, whether it be a creamery or a butterine factory, that make an unhealthy product.

I say that that consumption of milk has already proven beneficial to the farming industries around the District of Columbia. It has already advanced for them the price of milk, and it has afforded a sale for their milk which they never had before. And I have not only had one but I have had fifty farmers from around this section of Maryland—for this is my home and I know the Maryland people pretty well from one end to the other—I say that I have had any number of those farmers tell me that they prefer to sell milk to a factory of that kind and have a ready sale rather than to separate their milk from the cream and depend on the sale of their butter, which involves considerable labor. I say the minute they become educated to it and find what their true interests are in the matter that they will be in favor of the manufacture of butterine and oleomargarine. A factory like we have at Langdon will employ in its fullest capacity upward of 300 men, thus offering I do not know how much support to families throughout the District.

It is a matter of serious consideration in connection with what might be the welfare of any particular locality, and that is a matter in which they would be educated.

This bill is known as the Henry bill, and to which my friend suggested an amendment as to the substitution of the words "yellow butter." I have doubts in my mind whether that will fully cover the situation, because there is no question but what oleomargarine or terine, especially in its higher grades, where they use such a large percentage of milk and cream, does have a yellow tint, and at some seasons of the year will probably have a decidedly yellow tint, without their engrafting in it a particle of coloring matter. I think it ought to be so framed as to direct itself, if at all, to coloring matter and not to a similarity with some other product.

Mr. HAUGEN. Inasmuch as the gentleman has seen fit to take exception to the statement I made yesterday, as to the offensive odors in and about these manufacturing institutions, I wish to state to the gentleman that I have visited a number of these manufactories, in Kansas City and Chicago, and I found this to exist—these conditions. Now, I have no desire to mention any names or to do any institution any harm, but at the same time I think I have the right to make the statement that I know that such things exist.

The gentleman has directed his remarks primarily to Governor Hoard, of Wisconsin, and has charged that he has made a vicious assault upon this industry, and that the law has not been violated in any respect. How does the gentleman account for the 62,000,000 pounds, out of a product of 83,000,000 pounds, sold in 31 States that have enacted laws absolutely prohibiting the sale of yellow oleomargarine? For instance, in my State I found that three dealers sold 79,922 pounds. In my State we have a law prohibiting the sale of oleomargarine that is colored. I notice by this report that 23 dealers in Wisconsin sold 714,742 pounds, and I take it that every pound of it was sold in violation of the law, and thus displaced the sale of butter. Inasmuch as we have the dairy commissioner of Wisconsin with us, I would call upon him to state the law, in order that we may know exactly the law, and know whether it was sold in violation of the law.

The CHAIRMAN. Does the gentleman consent?

Mr. LAMBERT. I have finished my argument, and I am ready for questions now.

The CHAIRMAN. Will Mr. Adams again state briefly that law?

Mr. ADAMS. I do not wish to violate any rule of the committee, but in obedience to the privilege granted me I wish to say this: That of the 700,000 pounds sold in Wisconsin it is impossible for me to state exactly the amount that was sold in violation of the law. Wisconsin is a lumber State, so far as the northern portion of the State is concerned, and large quantities of oleomargarine have been sent into the lumber camps and sold, as I deem, in violation of law. The dealers of Wisconsin at the present time who have Government licenses (and no others are doing business) are nearly all selling oleomargarine uncolored.

The CHAIRMAN. In this report it states so many pounds of oleomargarine.

Mr. ADAMS. In addition let me say that I have no doubt that 400,000 of the 700,000 pounds that have gone into Wisconsin have been

sold in violation of the law that prohibits the sale of oleomargarine colored in imitation of yellow butter.

Mr. HAUGEN. I simply ask him how he accounts for this article being sold in these States.

Mr. LAMBERT. I can only say that I have not yet any evidence before me that would warrant me in assuming that any has been sold in violation of the law.

Mr. HAUGEN. You do not question Secretary Gage's report?

Mr. LAMBERT. No; I do not know that I know what that report is.

Mr. HAUGEN. I have a copy of it before me if the gentleman wishes to see it.

Mr. LAMBERT. In regard to the revenue laws, I presume?

Mr. SMITH. Yes.

Mr. HAUGEN. A report made in obedience to a resolution of this House, introduced by Mr. Tawney. Would you think that good evidence?

Mr. LAMBERT. I think the amount of the revenue as to sales is unquestionably good evidence, but I do not see that that touches the question of coloring matter.

Mr. HAUGEN. I asked the question, How do you account for this article being sold?

Mr. LAMBERT. As I understand the question, it is represented here that a certain amount of oleomargarine has been sold in a certain State.

Mr. SMITH. And the State law prohibits the sale of it.

Mr. LAMBERT. Entirely?

Mr. HAUGEN. Thirty-two States of the United States, as I understand it, with about 50,000,000 population, have enacted laws prohibiting the sale of yellow oleomargarine. I find, according to this report, that 83,000,000 pounds of oleomargarine were sold in 31 of these 32 States, and I take it that every pound of it was sold in violation of the law. Now, if 75 per cent of this product has been sold in violation of law, was not Governor Hoard justified in making the statement he did make before this committee on yesterday? I would like to have Governor Hoard placed in a proper light before this committee.

Mr. LAMBERT. I think before that question could be answered it would be necessary to have some evidence as to the fact that such a violation had been made. I have not found anything in here that would show a violation to any such extent. I assume that probably oleomargarine is sold by corner grocers and at different places in imitation of butter; but I say that condition prevails as to nearly all food products, and that the legislature should direct its energies toward crushing the fraudulent part without classing the whole industry as fraudulent. But I have not any evidence before me that justifies me in assuming that all this has been sold in violation of the law.

Mr. SMITH. We ask you to assume it. Then, how do you account for it?

Mr. LAMBERT. Then I should say that there was justice in the arguments against the perpetrators of that imposition.

Mr. SMITH. That would warrant Governor Hoard's inference?

Mr. LAMBERT. In that particular inference, but I do not think it would warrant his inference or his conclusion that the industry should be crushed out because the police power has not been sufficient to keep it within the bounds desired.

Mr. HAUGEN. If the gentleman is in search of light as to violations of law I would state that within the last thirty days I went through at least fifteen places in Chicago and called for butter and in every case received oleomargarine. So there is a violation of the law there is no question about it. I thought everybody admitted it. This is the first denial I have heard.

Mr. LAMBERT. I say there is no doubt but what there are violations, and those violations should be punished the same as other violations of law.

Mr. HAUGEN. Do you know of the violations of the law in Pennsylvania?

Mr. LAMBERT. I know there were a great many prosecutions there. I was up there once or twice and I know of those prosecutions; but down here in Washington there are prosecutions for selling liquor without a license, etc., but they do not make that a foundation for saying that there shall be no liquor sold in the District of Columbia. I say these are susceptible of lines of demarcation, and the legislature should go at them as they go at other industries and not crush an industry, but rather hedge it around with such safeguards that it will be impossible to have such a fraud imposed upon the public. I am not speaking for any man that sells a single pound of oleomargarine for butter, or sells it in any way in violation of law; but I say that you are punishing the innocent because of the actions of the guilty if you crush out the heart of this industry.

Mr. HAUGEN. It may not be the object to crush it out, but to give protection to consumers and producers as well.

Mr. LAMBERT. These bills will crush it out.

Mr. HAUGEN. There may be a difference of opinion about that.

Mr. LAMBERT. I am viewing it in the light of the evidence submitted.

Mr. SMITH. In the States where the State statutes prohibit the sale of oleomargarine colored yellow how can you sell oleo so colored without violating the law?

Mr. LAMBERT. You can not do it; that is a self-evident proposition.

Mr. SMITH. Now, is it not to your advantage—the advantage of those representing your concern—to have that barrier taken down, so as to give you a free field to sell uncolored oleo?

Mr. LAMBERT. No; because in every State where such a law exists, according to my information, they have the right, at the present time, to sell it uncolored; but there are some States where such law in regard to coloring matter does not exist, and in those States the oleomargarine industry is able to maintain itself.

Mr. SMITH. Do I understand you that you are not willing to compete on the merits of your product colored in its natural way?

Mr. LAMBERT. I mean to state just exactly this: That the taste and eye of the public have been familiar with the color of yellow upon their tables in connection with the use of butter; that there are thousands of people who would just as leave use oleomargarine or butterine, but who want that yellow color.

Mr. SMITH. Why not improve the sight and the taste itself for the superior article—the oleomargarine—by using that alone, depriving them of the yellow?

Mr. LAMBERT. If you deprive them of the yellow in butter we have nothing to say.

Mr. SMITH. You want to compete with butter!

Mr. LAMBERT. No; I say if they can not get anything but a white substance we are willing to take our chances, but when they can please their eye with butter and can not please their eye with oleomargarine it seems to me an unjust discrimination against the industry.

Mr. HASKINS. You do know, do you not, that in the State of Pennsylvania in 1899 the law absolutely prohibited the sale of oleomargarine?

Mr. LAMBERT. It did not last very long; I know that, too.

Mr. HASKINS. But during that time, for the fiscal year ending June 30, 1899, there were sold in the State of Pennsylvania 71,433,341 pounds of oleomargarine. Now, how could that be done without—

Mr. LAMBERT. I assume that was done in this way: I think that law was tested on the ground of its constitutionality, and I think the courts were invoked to that aid and appeals taken and bonds given, and the venders or dealers in selling that oleomargarine took their chances as to what might be the final decision of the courts.

Mr. HASKINS. The law was declared to be constitutional by the highest court of Pennsylvania, was it not? Is not that true?

Mr. LAMBERT. Constitutional on the question of the prohibition entirely of the sale?

Mr. HASKINS. Yes.

Mr. LAMBERT. It may have been, but they took their chances in the meantime.

Mr. HASKINS. And that amount of oleomargarine was sold absolutely in violation of law, was it not?

Mr. LAMBERT. If you choose to regard it in that way.

Mr. HASKINS. Therefore, Governor Hoard was justified in his statement?

Mr. LAMBERT. That protection is allowed by law to anybody giving an appeal to continue, and their appeal covers.

Mr. HASKINS. I want to ask you in reference to colored butter, have you ever had any experience yourself in the manufacture of butter?

Mr. LAMBERT. No, I have never manufactured it; I have seen it made many times.

Mr. HASKINS. Have you ever seen butter manufactured by the dairy-wife or housewife, made from the product of the Guernsey cow?

Mr. LAMBERT. Many a time.

Mr. HASKINS. Have you seen butter made from the Alderney cow?

Mr. LAMBERT. I have.

Mr. HASKINS. Have you seen butter from the Jersey cow?

Mr. LAMBERT. I have; yes, sir.

Mr. HASKINS. And without any coloring?

The CHAIRMAN. Is not the Alderney cow and the Jersey cow the same thing?

Mr. LAMBERT. One is a little larger than the other, I think.

Mr. HASKINS. And without any color, and does it not make a butter as highly colored as any butter here to-day?

Mr. LAMBERT. For one or two months it will, but I know—at any rate in the majority of cases—I know that it is not yellow, because I have a farm myself out here and I have seen it many times.

Mr. HASKINS. If the cow produces a yellow butter then the imitation of oleomargarine, colored, is the imitation of honest butter, is it not?

Mr. LAMBERT. If you choose to segregate about three months out of the twelve months.

Mr. HASKINS. You are mistaken about the time that the butter is yellow. I was brought up on the farm and made butter. My mother made it fifty years ago, and it was as yellow a color as that [indicating butter on the table].

Mr. DAHLE. I have noticed in your arguments before, once in a while you have alluded to the fact of intelligent bodies of lawyers. Now, we do not happen to be lawyers, or all of us, and I do not know as to our intellects; but yet, along those lines, it might be right for us to have a little intelligence. For instance, as to the sale of coffee. You mention that. I would like to have you explain how coffee is generally sold, right from the start, from the importer in New York. You mentioned that the user of coffee did not know whether he got coffee or some substitute. Do you know that?

Mr. LAMBERT. I was taking the coffee as an illustration of color, and I said that the color in the imitation of coffee was exactly like the color of the coffee itself, and that no restrictions were placed upon that, and that it would be just as proper to place a restriction upon the vending, or sale, or supplying of an imitated article in the way of coffee because it had the color of coffee.

Mr. DAHLE. Just as fair?

Mr. LAMBERT. Yes.

Mr. DAHLE. Now, then, coffee is imported into New York, and from New York it goes West—a good share of it, and some of it is burned in New York as well as in Chicago—roasted—and it goes to the retailer in that way, does it not?

Mr. LAMBERT. Yes.

Mr. DAHLE. And the retailer grinds it for the customer in selling it?

Mr. LAMBERT. It depends on the customer's wishes, I presume.

Mr. DAHLE. Whether he gets it ground or unground?

Mr. LAMBERT. Yes.

Mr. DAHLE. But he either gets it ground or unground before his eyes?

Mr. LAMBERT. Yes.

Mr. DAHLE. Where, then, can come deception? If he gets the coffee berry, and it is either ground or unground, where comes deception?

Mr. LAMBERT. I was making my illustration in regard to the hotel and restaurant, and the place where the coffee was put into the cups before the individual, and I said it would be just as proper to say—

Mr. DAHLE. Is coffee colored?

Mr. LAMBERT. I do not know that coffee is colored, but coffee has a color which is reproduced in the imitated articles just as you say that butter is—

Mr. DAHLE. To deceive the buyer?

Mr. LAMBERT. It deceives the consumer. I have no doubt in a good many instances it deceives the consumer, and I have no doubt that a great many people drink an imitation and think they are drinking real coffee.

Mr. DAHLE. But you allude to the genuine coffee, that he might be deceived.

Mr. LAMBERT. On the color.

Mr. DAHLE. You also alluded to olive oil?

Mr. LAMBERT. Yes.



Mr. DAHLE. Do you think that it would be fair for this purchaser of olive oil to get what he asks for, or is it just as well, just as right in every way, that he gets a composition, a cheaper composition of olive oil mixed with cotton-seed oil?

Mr. LAMBERT. No; I think he ought to get what he asks for; and I think when he asks for butter he should get butter, and when he asks for butterine he ought to get butterine. I do not take the position that I am in sympathy with any position of that kind.

Mr. DAHLE. But you have mentioned these frauds.

Mr. LAMBERT. I think it would be as proper, in my estimation, to place these caustic restrictions on these other industries as it would to put it on the industry of the manufacture of oleomargarine.

Mr. DAHLE. But with olive oil or anything else, you think we ought to get what we ask for, and not to get cotton-seed oil mixed with olive oil and sold as olive oil?

Mr. LAMBERT. I think we ought always to get what we ask for from a dealer when we make a purchase.

Mr. DAHLE. You mentioned that certain parties had jointly put their money in an enterprise. For what purpose did you mean to say they put their money? I understood you to say for the manipulation of the business. Will the stenographer read that? You do not mean manipulation in the common term, when such an expression is used?

Mr. LAMBERT. No; if I used such an expression it was in the placing of the matter on the market, that is all.

Mr. DAHLE. You said you had been in creameries as well as butterine factories?

Mr. LAMBERT. I visited oleomargarine factories in Ohio.

Mr. DAHLE. At what point in Ohio?

Mr. LAMBERT. Cincinnati.

Mr. DAHLE. What was the name of the factory?

Mr. LAMBERT. The Ohio Butterine Company, if I recollect the name correctly.

Mr. DAHLE. Did you visit any others?

Mr. LAMBERT. This one at Langdon here.

Mr. DAHLE. Any others?

Mr. LAMBERT. No manufactories. I say that in my experience—

Mr. DAHLE. Have you ever inspected the other factory in Washington?

Mr. LAMBERT. I did not know that there was one until to-day.

The CHAIRMAN. Where is it?

Mr. DAHLE. Is there not here in Washington a national factory?

Mr. LAMBERT. Not that I know of.

Mr. DAHLE. Was there one last summer?

Mr. LAMBERT. Not that I know of.

Mr. DAHLE. Since we are invited to one factory and not to the other, let me inform our friends as to the other.

A bystander. It was burned down on the 30th of June—the one you allude to. That is the second one.

Mr. DAHLE. Very well. There was another one, and here is what one of our mercantile agencies say in regard to that:

For a time it fared well, but later got into trouble with the Government authorities for alleged violation of the oleomargarine laws.

As for this factory, I hope that the fate of all oleomargarine factories where the managers are indicted for violations of law may not

be that they will burn down like this one did. But in all fairness you come before us and you say shall act fairly, and yet I hardly know what fairly means. You are assailing bills here introduced by the dairymen. And now, why do you not do something, with all your fairness; why do you not introduce a bill that will have a friend on this committee? As I understand, there is one bill introduced in your interests before our committee, and the gentleman who introduced that bill does not take part with us, and he has told me that he did not expect to vote for the bill himself. How do you explain that? What is your situation?

Mr. LAMBERT. Our situation is to be let alone.

Mr. SMITH. And have no law?

Mr. LAMBERT. Have the law for the full police protection of the industry; put every safeguard possible around the imposition on the public.

Mr. DAHLE. But if there is danger of the old law possibly having to be changed, and you claim we are away off the track, that we are not doing justice to you, why do you not introduce what might be a just law, so that you could present such a law to us, and not simply find fault with what we are working for?

Mr. LAMBERT. In other words, you want suggestions from us?

Mr. DAHLE. We should rather like that when you appear before us, as you say in all fairness, and it is not at all asking what you want, but you are simply going for us for what we want, which is, as claimed by you, all wrong.

Mr. LAMBERT. You misunderstand my position. I came before this committee not supposing that the committee wanted anything in the line of a particular bill.

Mr. DAHLE. I think that.

Mr. LAMBERT. But were after getting at the true situation, and we were called upon to give our views upon the bills which have been introduced, and I did not consider it was right to go outside of the records and give you our views on measures such as we might want to introduce.

Mr. DAHLE. You do not want any bill?

Mr. LAMBERT. I would not say that, but I always try to direct my remarks to the issue, and the issue here, as I understand it, is in reference to bills before the committee.

Mr. DAHLE. But not to try to get a bill before the committee if bills already introduced are not fair?

Mr. LAMBERT. I have not been called upon to draft a bill, but if you desire it I will direct my energies to that.

Mr. DAHLE. In all your fairness you have spoken of why is it that all of the manufacturers of oleomargarine send their agents into States which prohibit the sale of colored oleomargarine soliciting orders in such States; do you in any way coincide with such actions, or would you think such action improper?

Mr. LAMBERT. No; if they want to go into a territory it seems to me that they have a right to do so.

Mr. DAHLE. If, however, the State laws are against the sale of such products?

Mr. LAMBERT. No; I know that the States in some cases have laws against the sale of colored oleomargarine, but I did not know that there was any State law prohibiting its sale entirely.

Mr. DAHLE. But suppose they had canvassed the State for the purpose of selling where they know they have no legal right to sell it?

Mr. LAMBERT. You will have to first let me know where they have no legal right to sell it; I do not know of any State where the sale is absolutely prohibited.

Mr. DAHLE. Colored oleomargarine?

Mr. LAMBERT. I do not say colored oleomargarine; I say oleomargarine.

Mr. DAHLE. But suppose they solicit orders for colored oleomargarine?

Mr. LAMBERT. For colored oleomargarine?

Mr. DAHLE. Yes, sir.

Mr. LAMBERT. I say that they are not adhering to the law of that State if they do that.

Mr. DAHLE. And would you think we were doing justice in trying to correct such a fraud?

Mr. LAMBERT. I think you are right to suppress fraud, and we are in favor of that.

Mr. DAHLE. Suppose we go to Chicago, as Mr. Haugen and I did. We find that there is no restriction whatever there in the sale of oleomargarine. We went from store to store and inquired for butter. Mr. Knight was also along with us at the time. Mr. Knight would say, "Is this butter?" and the answer was, "That is what you want?" "Yes; that is what we want; I do not want oleomargarine." They handed over the product, and, as Mr. Haugen has explained to you, it was oleomargarine.

The CHAIRMAN. How did you know it was oleomargarine?

Mr. DAHLE. We will very likely have a few of the samples here in a day or two and if you want to taste it you can taste it.

Mr. ALLEN. I make a point of order against this line of examination. It does not elucidate anything and it has no bearing on the bill before us.

The CHAIRMAN. I think the point of order is well taken. There is no dispute that frauds have been committed, Mr. Dahle.

Mr. DAHLE. But the gentleman who is addressing us has attacked the statement of Governor Hoard from the start to the finish; not one single point does he give him credit for.

Mr. LAMBERT. Mr. Chairman, I have nothing further on that, except that I want to disclaim any personal criticism of Mr. Hoard in regard to his remarks yesterday. My experience I was putting up against his experience, and in that connection I have visited the factories I have mentioned and found them absolutely cleanly in every respect. I say I agree with him. If other factories are not so, they should be crushed out of existence, and there are means for doing that, and I did not intend any such remarks in other than an argumentative sense.

I hope everybody will visit the factory at Langdon, and I would suggest that if possible it would be well to drop out there unexpectedly, because I do not want any impression in the minds of the gentlemen here that anything is to be fixed up. They can come out at any time and I will take my chances on the impression that they will form on the factory there.

Mr. Chairman and gentlemen, I thank you for your attention.

(Adjourned.)

THURSDAY, *January 16, 1902.*

The committee met at 10 o'clock, Hon. J. W. Wadsworth in the Chair.

# **STATEMENT OF HON. WILLIAM M. SPRINGER,**

*Representing the National Live Stock Association.*

The CHAIRMAN. Is the National Live Stock Association an incorporated body?

Mr. SPRINGER. No, sir.

The CHAIRMAN. It is a voluntary association?

Mr. SPRINGER. Yes, sir.

Mr. Chairman, and gentlemen of the committee: I shall ask your indulgence for a time for the purpose of presenting some facts for the consideration of the committee. I represent the National Live Stock Association. The membership of that association is set forth in a paper that I have here and I will ask that this may be embodied as a part of my remarks, so as to show the interests that are represented.

## *Membership roll of the National Live Stock Association.*

### ARIZONA.

Arizona Wool Growers' Association.  
Live Stock Sanitary Board, Arizona.

### CALIFORNIA.

Kern County Cattle Growers' Association.  
Southern Pacific Railway Company.  
Central California Stock Growers' Association.

### CANADA.

Dominion Short Horn Breeders' Association.

### COLORADO.

Custer County Cattle Growers' Protective Association.  
Denver Union Stock Yards Company.  
Southern Colorado Stock Growers' Protective Association.  
State Veterinary Sanitary Board.  
Fort Collins Sheep Feeders' Association.  
Logan County Cattle and Horse Protective Association.  
Lincoln and Elbert County Wool Growers' Association.  
Lincoln County Cattle Growers' Association.  
San Luis Valley Cattle and Horse Growers' Association.  
Roaring Fork and Eagle River Stock Association.  
Eastern Colorado Stockmen's Protective Association.

North Fork Valley Cattle Growers' Association.

Weld County Live Stock Association.  
Park County Cattle Growers' Association.  
Eagle and Grand River Stock Growers' Association.

Denver Chamber of Commerce and Board of Trade.

Gunnison County Stock Growers' Association.

Colorado Midland Railway Company.  
Colorado and Southern Railway Company.

Crystal River Railroad Company.  
North Park Stock Growers' Association.  
White River Stock Growers' Association.  
Grand River Stock Growers' Association.  
Saguache Stock Growers' Association.  
Western Slope Wool Growers' Association.

Cattle and Horse Growers' Association of Colorado.

Denver and Rio Grande Railroad Company.

### IDAHO.

Blaine, Lincoln, and Cassia Counties Wool Growers' Association.

Sheep and Wool Growers' Association of Idaho.

Sheep and Wool Growers' Association of Southern Idaho.

Fremont County, Idaho, Wool Growers' Association.

Oneida County, Idaho, Wool Growers' Association.

Washington County Wool Growers' Association.

## ILLINOIS.

Illinois Central Railroad Company.  
Chicago and Northwestern Railroad Company.  
Chicago Live Stock Exchange.  
American Short Horn Breeders' Association.  
St. Louis Live Stock Exchange.  
St. Louis National Stock Yards Company.  
National Irrigation Association.  
Union Stock Yards and Transit Company, Chicago.  
State Board of Live Stock Commissioners.

## INDIANA.

American Shetland Pony Club.  
American Shropshire Registry Association.  
Polled Durham Cattle Club of America.

## IOWA.

Sioux City Live Stock Exchange.  
Sioux City Stock Yards Company.  
Iowa Improved Stock Breeders' Association.

## KANSAS.

The Kansas Improved Stock Breeders' Association.

## KENTUCKY.

American Saddle Horse Association.

## MICHIGAN.

National Lincoln Sheep Breeders' Association.

## MINNESOTA.

Minnesota Live Stock Breeders' Association.  
South St. Paul Live Stock Exchange.

## MISSOURI.

American Hereford Cattle Breeders' Association.  
American Angora Goat Breeders' Association.  
American Galloway Breeders' Association.  
Kansas City Stock Yards Company.  
St. Joseph Stock Yards Company.  
South St. Joseph Live Stock Exchange.  
Kansas City Live Stock Exchange.  
The Wabash Railroad Company.  
The Commercial Club of Kansas City.

## MONTANA.

Montana Stock Growers' Association.  
Eastern Montana Wool Growers' Association.

Central Montana Wool Growers' Association.  
North Montana Wool Growers' Association.

## NEBRASKA.

Union Stock Yards Company of Omaha.  
South Omaha Live Stock Exchange.  
Nebraska Stock Growers' Association.  
Fremont, Elkhorn, and Missouri Valley Railway Company.  
Union Pacific Railway Company.

## NEVADA.

Nevada Wool Growers' Association.

## NEW MEXICO.

Black Range Protective Association.  
Sheep Sanitary Board, New Mexico.  
Cattle Sanitary Board of New Mexico.  
Pecos Valley and Northern Railroad Company.  
Sheep and Wool Growers' Association of New Mexico.

## NEW YORK.

National Association of Exhibitors of Live Stock.

## OHIO.

American Rambouillet Sheep Breeders' Association.  
Cincinnati Union Stock Yards Company.  
Cincinnati Live Stock Commission Merchants' Association.  
Red Polled Cattle Club of America.

## OKLAHOMA.

Oklahoma Live Stock Association.

## OREGON.

Pacific Northwest Wool Growers' Association.  
Oregon Stock Breeders' Association.  
Oregon Railway and Navigation Company.  
Oregon Wool Growers' Association.

## PENNSYLVANIA.

West Philadelphia Stock Yards.

## SOUTH DAKOTA.

Western South Dakota Stock Growers' Association.  
Missouri River Stockmen's Association.

## TENNESSEE.

State Board of Agriculture.

## TEXAS.

Fort Worth Stock Yards Company.  
Cattle Raisers' Association of Texas.  
Texas Live Stock Association.  
El Paso-Rock Island Railway Company.

## UTAH.

Utah Wool Growers' Association.  
Utah Live Stock Association.  
Dairymen's Association of Utah.  
Oregon Short Line Railway Company.  
State Irrigation Association of Utah.

## WYOMING.

Wyoming Stock Growers' Association.  
Fremont County Wool Growers' Association.  
Sweetwater Hereford Cattle Breeders' Association.  
Uinta County, Wyoming, Wool Growers' Association.  
Snake River Stock Growers' Association.  
Board of Sheep Commissioners, Wyoming.  
State Agricultural College, Wyoming.  
Northern Wyoming Wool Growers' Association.  
Eastern Wyoming Wool Growers' Association.  
Carbon County Wyoming Wool Growers' Association.  
Natrona County Wool Growers' Association.

## INDIVIDUAL MEMBERSHIP.

John Cleman, North Yakima, Wash.  
A. C. Huidekoper, Meadville, Pa.  
E. C. Huidekoper, Yule, N. Dak.  
John Clay, jr., Chicago, Ill.  
E. D. Brown, Scottsville, N. Y.  
S. W. Allerton, Chicago, Ill.  
C. M. O'Donel, Bell Ranch, N. Mex.  
Frank Rockefeller, Belvidere, Kans.  
I. T. Pryor, Kansas City, Mo.

James Leonard, Denver, Colo.  
A. B. Urmston, El Paso, Tex.  
A. T. Atwater, Kansas City, Mo.  
Alex. Bowie, Chugwater, Wyo.  
Emil Taussig, New York, N. Y.  
Frank P. Bennett, Boston, Mass.  
Nelson Morris, Chicago, Ill.  
F. E. Warren, Cheyenne, Wyo.  
George Y. Wallace, Salt Lake City, Utah.  
H. H. Huffaker, Silver City, Iowa.  
Richard Walsh, Clarendon, Tex.  
J. W. Martin, Richland City, Wis.  
H. M. Hunter, Port Hope, Manitoba, Canada.  
D. B. Zimmerman, Dickenson, N. Dak.  
F. C. Lusk, Chico, Cal.  
Overton Lea, Nashville, Tenn.  
Charles W. Barney, Gillette, Wyo.  
Theodore Cuyler Patterson, Philadelphia, Pa.  
R. M. Allen, Ames, Nebr.  
Mrs. Lillian Gregory, Kansas City, Mo.  
J. G. McCoy, Wichita, Kans.  
John M. Holt, Miles City, Mont.  
John Sparks, Reno, Nev.  
Peter Jansen, Jansen, Nebr.  
A. B. Robertson, Colorado, Tex.  
F. M. Stewart, Rapid City, S. Dak.  
J. D. Wood, Spencer, Idaho.  
D. N. Stickney, Laramie, Wyo.  
H. A. Jastro, Bakersfield, Cal.  
George F. Patrick, Pueblo, Colo.  
Addison C. Thomas, Chicago, Ill.  
C. C. Goodwin, Salt Lake City, Utah.  
J. R. Stoller, Kansas City, Mo.  
E. H. Callister, Salt Lake City, Utah.  
C. S. Barclay, West Liberty, Iowa.  
John F. Hobbs, New York, N. Y.  
D. W. Willson, Elgin, Ill.  
Theo. L. Schurmeier, St. Paul, Minn.  
H. H. Hinds, Stanton, Mich.  
W. C. McDonald, White Oaks, N. Mex.  
W. L. Foster, Shreveport, La.  
A. P. Bush, jr., Colorado, Tex.  
John C. Johnson, Bridgeport, W. Va.  
Ed H. Reid, Colorado Springs, Colo.  
R. C. Judson, Portland, Oreg.

The CHAIRMAN. The headquarters of that association are where?

Mr. SPRINGER. In Denver, Colo. This association represents the live-stock interests of the United States, except those engaged in the dairy business. This represents those who are engaged in raising cattle, sheep, and hogs for the meat markets of this country and the world. This association comprises substantially all of the live-stock interests of the United States not engaged in the dairy business. The association held its fifth annual convention in Chicago, beginning on the 3d of December last and continuing through that week. At that convention there were something like 1,500 delegates present, representing the various interests of this country, and I believe nearly every State and Territory in the Union was represented.

The following resolutions were unanimously adopted by that convention, held in Chicago December 3, 4, 5, and 6. I will ask that they may be embodied as a part of my remarks.

The following resolutions were unanimously adopted by the fifth annual convention of the National Live Stock Association, held in Chicago, Ill., December 3, 4, 5, 6, 1901:

Whereas the National Live Stock Association has heretofore announced itself as unalterably opposed to that class of legislation which builds up one industry at the expense of another equally as meritorious, and has opposed the passage of the bill for a law known as the "Grout" bill, which certain dairy interests sought to have passed by the last Congress of the United States, but which failed to reach a vote; and

Whereas unofficial notice has been served upon the officers of this association that this same measure will be reintroduced in the coming session of Congress and forced to an issue; and

Whereas the openly expressed intention of the movers of this law is to destroy the manufacture of oleomargarine, a product of the packing house, which has been declared by Government authorities to be a pure food product as wholesome and healthful as butter; and

Whereas the stockmen of the United States believe that this product should be sold upon its own merits, and favor any legislation that will prevent or compel the manufacturers to sell their product for just what it is, a substitute for butter, but draw the line on legislation that would unjustly hamper the industry by compelling the manufacturers to offer their product in a form that would make it offensive to the eye of the consumer, and consequently unpalatable; and

Whereas the so-called "Wadsworth" substitute for the Grout bill, offered in the last Congress, which provides that the oleomargarine product be only offered for sale in one and two pound packages, each package labeled in plain letters, meets with the approval of the members of this association: Therefore,

*Resolved*, That the National Live Stock Association, in convention assembled, representing more than four billions of invested capital, reiterates its former expressed disapproval of such class legislation as the old Grout bill, and we protest against the passage of any law of this nature, firmly believing that such legislation is unjust, unconstitutional, and unfair, and not to be tolerated in a free country.

*Resolved*, That we heartily approve of such legislation as the law proposed by the Wadsworth substitute in the last Congress, and we approve any legislation which, in a legitimate manner, compels manufacturers to offer their products for sale for just what they are.

*Resolved*, That we heartily indorse the position taken by Hon. J. W. Wadsworth, chairman of the House Committee on Agriculture in the last Congress, and believe that in justice to him he should be retained as chairman of that committee in the present Congress. The thanks of this convention are due, and are hereby tendered, to Senators Money, of Mississippi; Heitfeld, of Idaho; Warren, of Wyoming; and Bate, of Tennessee, members of the Senate Committee on Agriculture, for their able and successful opposition to the passage of the Grout bill during the closing session of the last Congress.

*Resolved*, That the executive committee of this association be instructed to forward copies of these resolutions to Congress, and to take such action as it may think necessary and proper to oppose the passage of any bill containing such provisions as the so-called Grout bill.

Attest:

JOHN W. SPRINGER, *President*.  
CHAS. F. MARTIN, *Secretary*.

Mr. SPRINGER (continuing). I call particular attention to one of the resolutions, and I will read this, so that you may see the trend of them:

The National Live Stock Association in convention assembled, representing more than \$4,000,000,000 of invested capital, reiterates its former expressed disapproval of such class legislation as the old Grout bill, and we protest against the passage of any law of this nature, firmly believing that such legislation is unjust, un-Constitutional, and unfair, and not to be tolerated in a free country.

The third resolution is:

That we heartily indorse the position taken by Hon. J. W. Wadsworth, chairman of the House Committee on Agriculture in the last Congress, and believe that in justice to him he should be retained as chairman of that committee in the present Congress.

This association is a voluntary association, not a corporation, and has no capital stock. Each member of it carries on his own business in his own way. It is in no sense a trust; it is simply an association of persons engaged in a common business for the purpose of education and looking after the interests and legislation which peculiarly affect

their industry. These gentlemen composing this convention have requested me to represent them before this honorable committee.

I desire, gentlemen, to aid you, if I can do so, in considering such facts as will enlighten you and your constituents upon questions of very material interest to them and to the whole country. I have had some experience in legislative matters, having been a member of this House for twenty years, and I know the responsibilities that rest upon any Congress.

You have read in the papers and I have read a great many assaults upon Congressmen, and frequently reckless newspapers have impugned the integrity of members of this great body. Wherever the question has come before me since I have had the honor to be a member of Congress I have taken occasion to refute all such slanderous charges. I believe that the representatives of the people who assemble in the hall above this room are the very choice and the cream of the land. They are the chosen representatives of a great people, and my observation is that the people have selected the very best men they can find in their districts, with the possible exception of my own district when I was in Congress. I must say that I was not speaking of my own district; but my observation is that those gentlemen have been sent here who have had the best interests of their country at stake, and it is with that end in view that I appeal to you and your reason on a question of this importance. And right here, permit me to say that I want to enter my protest in as mild a way as I can against the course that has been pursued by those who have been advocating the pending bills on the subject of oleomargarine. I will call your attention, for the purpose of explaining what I desire to say, to an extract in the remarks of Governor Heard, who addressed the committee on Monday, on page 4.

Not only is fraud attempted, but also the inadequacy of our present laws, both State and National, for the regulation of the traffic. With the two principal points conceded, therefore, the question arises, Why should there be any difficulty in securing a satisfactory solution of the question?

The first proposition announced here is that fraud is attempted, and the next question is whether there should be any difficulty in reaching a solution of this question. I want to consider both of those propositions. I take it for granted that in the retail business there have been and are committed from time to time, and from day to day, many frauds in reference to the sale of oleomargarine and butter. I attribute the greater part of those frauds to the legislation of the several States on this subject, where the States have prohibited the sale of oleomargarine. Where the laws are the most stringent upon the subject you will find the frauds the most numerous in the retail business. But where the sale is permitted under proper restrictions you scarcely ever hear of a case of fraudulent sale.

I call attention, therefore, to two cases. For instance, in the State of Illinois, as my friend has suggested already, where I live, there have been a great many complaints of retail dealers selling oleomargarine for butter. There there is a law prohibiting such sales. In the State of Rhode Island, where the sale is permitted of colored oleomargarine, stamped, as the law requires, and where in the retail store you will find the sign displayed, "Oleomargarine sold here," the customer comes in and asks for it and buys what he desires and pays the price, which is the regular price for oleomargarine. If he wants butter he knows where to get that. I know of no prosecutions in that State. It is the



same way in the District of Columbia. If you go into our market here you will see a sign in the market "Butterine Company," and you will find that persons go there and buy what they want. The article is branded as the law requires. And I have heard of no prosecutions in the District of Columbia. It is sold upon its merits, and those who purchase it know what they are getting and make no concealment.

But how can you expect a man in Pennsylvania, for instance, to sell oleomargarine when the law makes it such a criminal offense as it does? He admits himself a criminal as soon as he hands out to his customer something he calls oleomargarine. He has, therefore, to quit the business or sell it as butter and taking the chances of his customer finding it out—although his customer may know from the price he is paying, and ought to know, that he is not getting creamery butter. So much, therefore, for the fraud question. I do not think it enters into this legislation, except to the extent that this committee should consider whether, as Governor Hoard suggests, we can not secure a satisfactory solution on the question of preventing frauds. Before entering upon that subject further, I desire to call the attention of the committee, and print in my remarks, some statistics on this subject, in order that we may understand the reference that may hereafter be made.

I have here a statement of the ingredients of oleomargarine, which statement was furnished to the House of Representatives of the last Congress by the Secretary of the Treasury, and it shows the amount of each ingredient used in the manufacture of oleomargarine in the United States for the fiscal year ending June 30, 1899, also the percentage of each ingredient. I will not read this, but will simply ask the stenographer to publish it as a part of my remarks.

Mr. HASKINS. Those were incorporated in your remarks last year.

Mr. SPRINGER. Yes, sir; in my remarks before the Senate committee.

#### THE INGREDIENTS OF OLEOMARGARINE.

The House of Representatives, during the first session of last Congress, called upon the Secretary of the Treasury for information as to the kind of material used in the manufacture of oleomargarine in the United States, the amount of each ingredient, and the per cent that each bears to the total amount of oleomargarine produced in the country for the period named. In response to this resolution the Secretary, through the Commissioner of Internal Revenue, on May 14, 1900, furnished the following statement:

*Quantities and kinds of ingredients used in the production of oleomargarine in the United States for the fiscal year ending June 30, 1899; also the percentage each ingredient bears to the whole quantity.*

Material.	Pounds.	Percentage each ingredient bears to the whole.
Neutral lard .....	31,297,251	34.27
Oleo oil .....	24,491,769	26.82
Cotton-seed oil .....	4,357,514	4.77
Sesame .....	486,310	.53
Coloring matter .....	148,970	.16
Sugar .....	110,164	.12
Glycerin .....	8,963	.01
Stearin .....	5,890	.007
Glucose .....	2,550	.003
Milk .....	14,200,576	15.55
Salt .....	6,773,670	7.42
Butter oil .....	4,342,904	4.76
Butter .....	1,568,319	1.72
Cream .....	3,527,410	3.86
Total .....	91,322,260	100

## OLEOMARGARINE LEGISLATION.

Or, more definitely stated, the quantity, character, and value of ingredients used in the production of oleomargarine for the time specified above are as follows:

Material.	Pounds.	Value per pound.	Total value.
		<i>Cents.</i>	
Neutral lard.....	31,297,251	8	\$2,508,780.08
Oleo oil.....	24,491,769	9	2,144,917.69
Cotton-seed oil.....	8,700,418	6	522,025.08
Sesame oil.....	486,310	10	4,863.10
Coloring matter.....	148,970	20	29,296.00
Sugar.....	100,164	4	4,406.50
Glycerin.....	8,963	10	896.30
Stearin.....	5,890	8	459.60
Glucose.....	2,560	3	76.50
Milk.....	14,250,576	1	142,005.76
Salt.....	6,772,670	1	67,725.70
Butter.....	1,568,319	20	313,663.80
Cream.....	3,527,410	5	176,370.50
Butter oil.....	4,342,000	6	260,520.00

Average value per pound of materials, 7.09 cents.

Average cost of packages (extreme), one-half cent per pound.

Highest possible cost all expenses connected with manufacturing, 1 cent per pound.

Internal-revenue tax, per pound, 2 cents.

Total cost to manufacturer of finished product, average, 10.59 cents.

Finished product quoted at from 11½ cents for lowest grade to 18 cents for highest quality, averaging, probably, 14 cents per pounds.

I also have here a statement from the Director of the Census of the population of the United States and of the several States, for 1890 and 1900, showing by a mark in front of each State in which the sale of colored oleomargarine has been prohibited by law. So that the members can at a glance determine the effect of some legislation to which I will call attention in a few minutes.

#### STATES WHICH HAVE PROHIBITED OLEOMARGARINE AND THEIR POPULATION, 1890 AND 1900.

The statement is as follows:

##### *Population of the United States by States and Territories, 1890 and 1900.*

[States marked with a dash (thus, —Alabama) are those in which laws have been passed forbidding the sale of oleomargarine colored in semblance of butter.]

States and Territories.	1900.	1890.	Indians not taxed, 1900.
The United States.....	* 76,304,799	63,069,756	134,158
<b>STATES.</b>			
—Alabama.....	1,828,697	1,513,017	.....
Arkansas.....	1,811,564	1,128,179	.....
California.....	1,485,053	1,208,130	1,549
Colorado.....	539,700	412,198	597
Connecticut.....	908,355	746,258	.....
Delaware.....	184,735	168,493	.....
Florida.....	528,542	391,422	.....
Georgia.....	2,216,331	1,837,358	.....
Idaho.....	161,772	84,385	2,297
Illinois.....	4,821,560	3,826,351	.....
Indiana.....	2,516,462	2,192,404	.....
Iowa.....	2,231,853	1,911,896	.....
Kansas.....	1,470,496	1,427,096	.....
Kentucky.....	2,147,174	1,858,635	.....
Louisiana.....	1,381,625	1,118,587	.....
Maine.....	694,466	661,086	.....

\*Including an estimated population of 14,400 for certain military organizations and naval vessels stationed abroad, principally in the Philippines, for which the returns have not yet been received.

*Population of the United States by States and Territories, 1890 and 1900—Continued.*

States and Territories.	1900.	1890.	Indians not taxed, 1900.
—Maryland .....	1,190,050	1,042,309	.....
—Massachusetts .....	2,806,346	2,238,943	.....
—Michigan .....	2,420,982	2,093,889	.....
—Minnesota .....	1,751,394	1,301,826	1,768
—Mississippi .....	1,551,270	1,289,600	.....
—Missouri .....	3,106,665	2,679,184	.....
—Montana .....	243,329	132,159	10,746
—Nebraska .....	1,068,539	1,058,910	.....
—Nevada .....	42,335	45,761	1,665
—New Hampshire .....	411,588	376,530	.....
—New Jersey .....	1,833,669	1,444,933	.....
—New York .....	7,268,012	5,997,853	4,711
—North Carolina .....	1,893,810	1,617,947	.....
—North Dakota .....	319,146	182,719	4,692
—Ohio .....	4,157,545	3,672,316	.....
—Oregon .....	413,536	313,767	.....
—Pennsylvania .....	6,302,115	5,258,014	.....
—Rhode Island .....	428,556	345,506	.....
—South Carolina .....	1,340,316	1,151,149	.....
—South Dakota .....	401,570	328,808	10,932
—Tennessee .....	2,020,616	1,767,518	.....
—Texas .....	3,048,710	2,235,523	.....
—Utah .....	276,749	207,905	1,472
—Vermont .....	343,641	332,422	.....
—Virginia .....	1,864,184	1,655,980	.....
—Washington .....	518,103	349,330	2,531
—West Virginia .....	958,800	762,794	.....
—Wisconsin .....	2,069,042	1,686,880	1,657
—Wyoming .....	92,531	60,705	.....
Total for 45 States .....	74,610,523	62,116,811	44,617
TERRITORIES.			
Alaska .....	63,441	32,052	.....
Arizona .....	122,931	59,620	24,644
District of Columbia .....	278,718	230,392	.....
Hawaii .....	154,001	89,990	.....
Indian Territory .....	391,960	180,182	56,083
New Mexico .....	195,310	153,598	2,937
Oklahoma .....	398,245	61,834	.....
Total for 7 Territories .....	1,604,606	807,663	89,541
Persons in the service of the United States stationed abroad.	*89,670	.....	.....
Indians, etc., on Indian reservations, except Indian Territory.	.....	145,282	.....
	76,304,799		

\* Including an estimated population of 14,400 for certain military organizations and naval vessels stationed abroad, principally in the Philippines, for which the returns have not yet been received.

According to the census of 1890, States which have prohibited the sale of colored oleomargarine contain a population of 50,000,000 in round numbers, while the States and Territories whose laws permit its sale, merely requiring that the oleomargarine be marked and labeled so as to distinguish it, contain only 12,000,000 people. The District of Columbia, with a population of 230,000 in 1890, is embraced in the latter list. According to the census of 1900, the States which prohibit the sale of colored oleomargarine contain a population of about 60,000,000, while the other States contain a population of 14,600.

## OLEOMARGARINE CONSUMED IN EACH STATE.

I desire to reproduce a statement from the Secretary of the Treasury showing the amount of oleomargarine shipped into each State of the Union, for the purpose of reference as I shall proceed further. I have marked a dash before the States in which laws have been passed prohibiting the sale of oleomargarine colored in imitation of

butter. The number of the dealers in each State is given, and the percentage of the whole product consumed in each State. The table is as follows:

*Quantity of oleomargarine shipped into each State for fiscal year ended June 30, 1899.*

State or Territory.	No. of dealers.	Pounds.	Percent of total.	State or Territory.	No. of dealers.	Pounds.	Percent of total.
—Alabama.....	21	226,068	0.28+	—Nebraska.....	73	1,024,985	1.29-
—Alaska.....	5	18,080	.02+	—New Hampshire..	19	455,583	.57+
—Arkansas.....	35	390,389	.48-	—New Jersey.....	296	5,875,975	7.37+
—Arizona.....	5	78,767	.10-	—New Mexico.....	12	115,850	.15-
—California.....	.....	74,923	.09+	—New York.....	14	222,788	.28-
—Colorado.....	55	1,123,537	1.41-	—Nevada.....	.....	625	.00+
—Connecticut.....	5	134,255	.17-	—North Carolina..	9	110,244	.14-
—Delaware.....	48	40,475	.06+	—North Dakota.....	18	7,710	.01-
—Dist. Columbia..	61	816,848	1.02+	—Ohio.....	1,005	8,830,969	11.08+
—Florida.....	82	590,225	.74+	—Oklahoma.....	10	117,398	.15-
—Georgia.....	61	496,004	.62+	—Oregon.....	3	41,250	.05+
—Illinois.....	2,020	18,689,921	23.39-	—Pennsylvania.....	717	11,433,341	14.35-
—Idaho.....	3	58,224	.07+	—Rhode Island.....	333	3,594,984	4.51+
—Indiana.....	306	3,923,223	4.92+	—South Carolina...	24	258,159	.32+
—Indian Territory..	21	152,278	.19+	—South Dakota.....	4	55,432	.07-
—Iowa.....	3	79,922	.10+	—Tennessee.....	83	714,640	.90-
—Kansas.....	186	1,658,544	2.08+	—Texas.....	162	1,518,264	1.91-
—Kentucky.....	217	1,490,577	1.87+	—Utah.....	.....	8,450	.01+
—Louisiana.....	140	1,043,502	1.31-	—Vermont.....	1	2,990	.00+
—Maine.....	17	102,274	.13-	—Virginia.....	121	1,159,400	1.45+
—Maryland.....	58	1,791,950	2.25-	—Washington.....	5	63,345	.08-
—Massachusetts...	108	2,083,889	2.61+	—West Virginia.....	172	1,206,865	1.51+
—Michigan.....	109	2,092,521	2.63-	—Wisconsin.....	23	714,742	.90-
—Minnesota.....	30	1,343,865	1.69-	—Wyoming.....	5	39,547	.05-
—Missouri.....	231	3,133,312	3.98+				
—Mississippi.....	17	104,622	.13+				
—Montana.....	.....	446,022	.56-				
				Total.....		79,695,744	100.00

The information contained in this statement is valuable and instructive. It shows the effect upon the consumption of oleomargarine which is produced by State legislation. In Rhode Island, having a population of 428,556 by the census of 1900, the consumption of oleomargarine for the year ending June 30, 1899, was 3,594,984 pounds. This amounted to over 8 pounds per capita.

The CHAIRMAN. Is that the amount shipped in there or the amount consumed?

Mr. SPRINGER. It says shipped into the State. I assume that it was shipped there for consumption.

The CHAIRMAN. There are large manufactories there, and I did not suppose there was much shipped in.

Mr. SPRINGER. This table evidently shows that the movement from the factory to the place of consumption would be embraced therein. In Vermont, having a population of 340,000, the consumption was 2,900 pounds, or practically nothing. The principal reason for the difference is that in Rhode Island the sale of oleomargarine colored in imitation of butter was permitted when marked and labeled.

The CHAIRMAN. In Vermont?

Mr. SPRINGER. In Rhode Island. But in Vermont its sale was not permitted, but required by law to be colored a pink color. Hence there were practically no sales. But in Illinois there was a different state of affairs. There legislation was hostile, yet it appears that over 18,000,000 pounds were consumed in that State during the year 1899. The production in that State for the year ending June 30, 1900, amounted to over 46,000,000 pounds, according to a statement which I will incorporate in my remarks; and I can only account for the large

amount of consumption there in the midst of hostile laws by the fact that the laws were of such a character that the people were not disposed to enforce them. And that is not surprising, for my distinguished friend from Kansas here [Mr. Scott], who lives in a prohibition State, knows very well that in the State of Kansas, in the large cities, the prohibition law is practically a nullity.

The CHAIRMAN. On liquor?

Mr. SPRINGER. As far as the sale of intoxicating liquors is concerned, when I had the honor to preside as judge in the northern district of Indian Territory, bordering on Kansas, the persons brought before the court charged with the sale of whisky in Indian Territory generally procured it in Kansas, where they could buy it in saloons wide open without the least difficulty. A few years ago I had occasion to spend a Sunday in Dubuque, Iowa, the residence of the Speaker of this House and the residence of the chairman of the Committee on Appropriations of the Senate. There is a very stringent prohibition law there, and the legislature of Iowa had passed a law, in order to avoid the danger of failing to secure convictions before juries, by which the prosecuting attorney was required to file a bill for an injunction to restrain persons from selling in violation of the law, and then if they violated the injunction the court could impose a punishment for contempt without the interposition of a jury. When that law was secured it was supposed prohibition could be enforced in the counties along the Mississippi River, where there was a public sentiment against it.

But I found, when I was in Dubuque, that the saloons were wide open even on Sunday—over 60 in number—and that four or five breweries in the neighborhood were running wide open. They were running wide open in defiance of law, without even a screen in front of their doors. I inquired why it was, in a prohibition State, with a law that allowed the judge to impose sentence for contempt of court, without a trial by jury, that there was such an open violation of the law. I was told that the prosecuting attorney had filed a bill against them, against everyone of these saloon keepers, and that they were all under injunction not to sell liquor. I said, "Why are they selling it, then?" I was informed that at the first of every month the prosecuting attorney comes in and informs the court that these people have been selling in violation of the injunction and that they are guilty of contempt, and they plead guilty and are fined \$100 each; and then they go on for another month selling as before. These are violations of law where public sentiment in the communities is opposed to the enforcement of the law. And so it is with this oleomargarine law. If you make a law so stringent that the public sentiment of the community is against its enforcement, it will not be enforced. Hence, I urge upon you to make such legislation as can be and will be enforced. Then you will not have any complaints, to which I have called your attention.

Mr. SCOTT. May I ask you a question?

Mr. SPRINGER. Certainly.

Mr. SCOTT. Do you wish us to infer from your argument along this line that such legislation as is proposed in the Grout bill will be difficult of enforcement?

Mr. SPRINGER. Very, very difficult. It was asked by the distinguished gentleman from Wisconsin yesterday whether those who

opposed the Grout bill, or that kind of legislation, have anything to propose, and the gentleman who was speaking stated he had not.

Mr. DAHLE. I was almost laughing to myself when you spoke of having been at Dubuque, the home of our present Speaker, Mr. Henderson. I was afraid you were going to tell us about having gotten oleomargarine for butter.

Mr. SPRINGER. No; I suppose you can get plenty of it there if you want it; but I was not looking for oleomargarine or whisky. I was taking a Sunday afternoon walk and observed these things that were so plain that a man who ran could see and read.

Mr. DAHLE. The reason I asked the question was that I happened to speak with the Hammond people there and found that they were selling oleomargarine through the hotels and restaurants; and another question was why, in your estimation, you would expect more transgression of the law or more frauds with the Grout bill than with the present bill.

Mr. SPRINGER. Why?

Mr. DAHLE. Why with the 10-cent tax would there be more transgression of the law than with the 2-cent tax?

Mr. SPRINGER. I have discovered that where the restrictions are the most severe there is the least disposition to enforce them, and where you reach the point of overstepping the sentiment of the people who have to do the enforcing there it is difficult to enforce the law. Under our system of laws we have to enforce the laws with the local courts, and therefore we have to consult the local sentiment and the disposition to enforce the laws.

Mr. DAHLE. A little more along that line. What is the incentive, for instance, in Chicago, for fraud? Is it by the retailer or is it by the purchaser in buying it?

Mr. SPRINGER. I assume, if I understand the honorable gentleman's question, that the difficulty lies or the disposition comes from a desire on the part of the consumers to get a wholesome food at the cheapest price that they can obtain it, and if there were not persons who wanted to buy it at the cheaper price there would not be anybody selling it.

The CHAIRMAN. And I think it is also due somewhat to the foreign element in Chicago. As we know, in Europe there is not the prejudice, there is not the feeling, against oleomargarine that there is here.

Mr. DAHLE. If, for instance, a tax is put upon oleomargarine colored, so that the price of that would come up more equally to the price of butter, would there then be the temptation by the seller to try to sell oleomargarine for butter?

Mr. SPRINGER. I will answer my friend in this way: I am very glad the question is asked. You heard a gentleman address you yesterday who spoke broken English, he being a Dane. He learned his trade in Denmark. In Denmark oleomargarine is made white. No coloring matter is allowed in it; or, if there is any, it is a light straw color, he says, if I remember correctly. But it is sold for what it is. I have been informed that the manufacturers of oleomargarine in Denmark accompany every package with a small vial or capsule, so that when the purchaser gets his package he has just enough coloring matter to bring it to the consistency of the June tint; that that is done in nearly all instances where a June tint is required of butter. The landlord and the restaurant keeper and the cook in the private residence color

it. It is a very simple process of introducing the coloring matter. Now, if that be so easily practiced in Denmark, what may you expect in the great United States of America, if you put a prohibitory tax on the manufacture and selling of colored oleomargarine?

Mr. HENRY. In this line one question. Is that a practicable process; can it be done and make a perfect color?

Mr. SPRINGER. Perfectly so, as I understand. It is done in one country already, and may be done in this country.

Mr. HENRY. After the oleo is put up in a package can it be worked in so as to make a perfect color?

Mr. SPRINGER. I understand that all you have to do is to put the finished product that you saw here yesterday into a machine made for the purpose, mix the proper quantity of the coloring matter with the oleomargarine, and after a few revolutions of the machinery the coloring is effected in as perfect a manner as if it were done in the factory in the first instance, or the coloring matter may be introduced by hand with the use of a paddle. Every household could thus color the oleomargarine to suit the taste of the family.

Mr. DAHLE. From these statements and from your remarks regarding Denmark, and so forth, do you conclude to answer yes or no?

Mr. SPRINGER. Please repeat your question now.

Mr. DAHLE. You heard my question, of course, in the first place?

Mr. SPRINGER. Yes.

Mr. DAHLE. And you went on to explain the way of handling oleomargarine in Denmark. After that explanation do you answer yes or do you answer no to my first question as to whether there would be more oleomargarine sold illegally with the 10 cents tax than with a smaller tax?

Mr. SPRINGER. My opinion is that no manufacturers in the country would sell colored oleomargarine, or offer it on the market, that had not paid the revenue tax. In other words, that every particle they made would pay the revenue tax. My next opinion is that they would not make any of it, because they could not afford to pay the revenue tax. It would be made white, and the coloring matter would follow by the next mail.

Mr. DAHLE. Must I not therefore conclude that there would be less rather than more frauds?

Mr. SPRINGER. There would be no fraud in the making of colored oleomargarine, because that is under the inspection of the Treasury Department, and nobody would interfere with that.

Mr. DAHLE. I did not ask regarding the manufacture, it was with regard to the sale.

Mr. SPRINGER. So far as the sale is concerned, in my opinion there would be a demand for the white, if any demand at all.

Mr. DAHLE. This was the yellow that I was asking about—not the white.

Mr. SPRINGER. They could not sell oleomargarine if it paid a 10-cent tax, because you would bring it up to the price of the best creamery butter.

Mr. DAHLE. Must we therefore conclude that the fraud or transgression would be less rather than larger?

Mr. SPRINGER. It would stop the traffic; and of course there would not be any frauds if there was no traffic. In other words, you make a peace by establishing a wilderness.

**Mr. DAHLE.** If there is no traffic, must we then conclude that there is no fraud?

**Mr. SPRINGER.** If there is no traffic there is no fraud.

**Mr. DAHLE.** So there would be less fraud?

**Mr. SPRINGER.** The more you cripple an industry and the more nearly you wipe it out the more completely you would do away with frauds in that industry. But the consumers and retail dealers are not under the same regulations as the manufacturers. Hence we must deal with the question in another way, and I will come to that after awhile.

**Mr. DAHLE.** Is not this a little in contradiction of your first statement, where you said that the enactment of this law would make more violations?

**Mr. SPRINGER.** No, I did not say that. I said that the more stringent you made a law the greater temptation there would be to evade the law. But I tried to point out to you where the evasion of the law would come in, in this way, not in the sale of colored oleomargarine for butter, but in the selling and in the manipulation of the white oleomargarine after it got into the hands of the retail dealers and consumers. In other words, the dairymen are trying to keep oleomargarine from coming into competition with their product. I am not so certain but what there is such a thing as overreaching one's self. No one can tell what is going to happen in the future, but it is possible that there would be a larger competition by a larger consumption of the oleomargarine than there is now. But at the same time that is very problematical. It is the opinion of most of the manufacturers that it would destroy the industry entirely and wipe them out, for the reason that there would not be such a demand for the white product as would remunerate them for the vast amount of capital now invested. There is a difference of opinion on this, and this is merely a conjecture. Everybody can have his opinion and nobody can tell what is going to be the effect of this legislation, so far as that is concerned.

**Mr. HASKINS.** Right in that connection. If there is a demand for the oleomargarine what is the necessity for its being colored except for table use? A great majority of it goes into other uses than the domestic economy.

**Mr. SPRINGER.** I can only answer that by the answer Governor Hoard gave to the question as to why he colored his butter. He said because the trade demanded it, and for the purpose of satisfying the market. The manufacturers of an article do not choose their customers. The customers come in and say "We want this," or, "We want you to make us that." They must supply the demand for goods from those who want the goods. It is the taste, the caprice, if you please, of the people that demands a colored article.

**Mr. SCOTT.** Before you get away from the color question, I should like your opinion as a lawyer on this proposition: Would the Grout bill prevent the retailer from buying white oleomargarine and coloring it and selling it as the colored oleomargarine without the 10 cents tax?

**Mr. SPRINGER.** The Grout bill as pending last session would not, in my judgment, prohibit the coloring of it by the retail dealer, or by the consumers.

The **CHAIRMAN.** The fact of 1½ cents being taken off, the incentive to fraud would be greater than it is now. It would be that cent and three-quarters greater.



Mr. SCOTT. If the chairman will permit me, the question I have in mind is this: Whether to buy oleo uncolored and color it would, in the meaning of this law, constitute the retailer a manufacturer and therefore subject him to 10 cents tax.

Mr. SPRINGER. Not as the law is now framed; but I understand that there is a bill pending somewhere which provides that a coloring by a retail dealer shall subject him to the regulations of a manufacturer.

The CHAIRMAN. Is there any such bill, Mr. Adams?

Mr. H. C. ADAMS. No, sir.

The CHAIRMAN. Where did you get that fact, Mr. Springer?

Mr. SPRINGER. Someone told me a bill of that kind was introduced in the Senate, or would be, but I have not seen it at all.

Mr. ALLEN. No; I do not think there is such a bill.

Mr. SCOTT. With the added incentive which the imposition of a 10 cent tax would give to the retailer to commit a fraud upon his customer, it is certainly to be expected that they would engage very largely in the business of coloring their product.

Mr. HENRY. Right on that point one word. As a lawyer, the retailer is licensed, pays a license, and that license implies a compliance with the law. Would he not violate the law by coloring the oleo himself?

Mr. SPRINGER. It would depend upon what the law was, of course. The law must be strictly construed, as it is a criminal statute.

The CHAIRMAN. The trouble is the fraud is not committed by the retail dealer in oleomargarine. He has his sign over the door. It is not committed by the wholesale dealer, who has a sign over his door. It is committed by the retail dealer in butter, as Mr. Adams and every gentleman here will admit. They buy—the unprincipled fellows, and there are unprincipled fellows in all businesses—oleo at the wholesale price and take it down into their cellars and then sell it as butter. When you ask for a pound of butter they give you a pound of oleo. While it is in the cellar, if they are dishonest, they can substitute that for butter. With the 10-cent tax the incentive to fraud would be greater than now.

Mr. SCOTT. I agree with the chairman. In this connection, is there anything in this bill which defines oleomargarine and butter? How much butter can go into oleomargarine and still let it remain oleomargarine; and how much oleomargarine can go into butter and still let it remain butter?

Mr. SPRINGER. I think the only definition there is in the Hatch bill of 1886, and that definition has stood ever since as the law upon the subject.

Mr. SCOTT. Can you state that?

Mr. SPRINGER. I can not state it now, but I can give you the substance of it. It means that all articles which are made in imitation of butter, not composed wholly of milk of the cow, shall be known as oleomargarine. That is, with some amplification, the definition given in the Hatch bill.

Mr. DAHLE. In your statement you say you think more fraud would be committed by the enactment of the new law, and you have said that the enactment of the new law would wipe out the industry of colored oleomargarine. So that it must be that you think in the sale of uncolored there would be more fraud?

Mr. SPRINGER. The fraud would be somewhere between the manufacturer and the consumer, but the manufacturer would not commit

frauds, and I don't think anybody has charged any serious infraction of the present law upon the manufacturers of oleomargarine.

Mr. DAHLE. You leave, then, the fraud to the manufacture and sale, or rather to the transactions in uncolored oleomargarine.

Mr. SPRINGER. After it leaves the manufacturer.

Mr. DAHLE. After it leaves the manufacturer?

Mr. SPRINGER. Yes.

Mr. DAHLE. So we ought to be as careful as we can, in justice, to enact a law which will detect fraud, to help the Government.

Mr. SPRINGER. I shall be very glad to aid in that direction and shall submit some suggestions on that subject before I conclude my remarks. The chairman has just told us who would commit the frauds—the retail butter dealers. They would buy uncolored oleomargarine and color it in their cellars, and sell it for butter at butter prices. If you will permit me to go a little further. I have obtained from the Commissioner of Internal Revenue a statement of the amount of oleomargarine produced during the last fiscal year ending June 30, 1901, which shows a slight falling off from the year previous. I will give this to the stenographer and let it be printed. Also the places where this butter is made in the United States are shown, so that gentlemen in considering this question can locate the places of production.

The subjoined statements show operations under the act of August 2, 1886, defining butter and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

There was an increase in the number of persons engaged in the sale of oleomargarine during the fiscal year ended June 30, 1901, and a small decrease in the production of the article as compared with the previous year.

The following table shows the quantity of oleomargarine, in pounds, at 2 cents tax, produced at manufactories during the fiscal year ended June 30, 1901, the quantity withdrawn therefrom during the year, and the stock of oleomargarine remaining in factories June 30, 1901:

SUMMARY OF OPERATIONS AT OLEOMARGARINE MANUFACTORIES DURING THE FISCAL YEAR ENDED JUNE 30, 1901.

<i>Dr.</i>	<i>Pounds.</i>
Stock on hand July 1, 1900.....	817, 806
Removed for export and unaccounted for July 1, 1900.....	367, 413
Quantity produced during the year.....	104, 943, 856
Overstatement of withdrawals.....	540
<b>Total.....</b>	<b>106, 129, 615</b>
<i>Contra.</i>	
Oleomargarine withdrawn, tax paid.....	101, 432, 717
Withdrawn from manufactories for export and accounted for by clearance certificate filed.....	3, 561, 287
Withdrawn from manufactories for export and accounted for by payment of tax on account of certificate not being filed.....	1, 975
Destroyed by fire.....	32, 899
Destroyed in factory and dumped as material.....	66, 406
Lost in transit.....	750
Removed for export and unaccounted for June 30, 1901.....	311, 344
Remaining in factories June 30, 1901.....	722, 237
<b>Total.....</b>	<b>106, 129, 615</b>

OPERATIONS IN OLEOMARGARINE DURING THE LAST TWO FISCAL YEARS.

The following statements, by districts, show the quantity, in pounds, of oleomargarine produced at manufactories, the quantity withdrawn therefrom, tax paid, for export, and the quantity lost or destroyed at manufactories during the two fiscal

years ended June 30, 1900, and June 30, 1901, respectively; also the stock remaining on hand at the close of each year:

JULY 1, 1899, TO JUNE 30, 1900.

Districts.	Produced.	Withdrawn, tax paid.	Withdrawn for export.	Remaining in factory June 30, 1900.
Connecticut* .....	10,448,162	7,796,902	2,653,214	56,292
First Illinois .....	46,248,416	45,834,089	475,269	359,526
Thirteenth Illinois .....	168,732	165,623	.....	4,109
Sixth Indiana .....	10,778,599	10,737,646	9,200	121,418
Kansas <sup>b</sup> .....	16,686,460	16,392,323	229,781	156,928
Fifth Kentucky .....	76,125	72,569	.....	3,500
Maryland .....	2,207,748	2,202,390	.....	7,447
Sixth Missouri .....	4,107,696	4,118,273	.....	3,210
First New Jersey .....	604,279	595,849	9,300	8,050
Fifth New Jersey .....	115,300	115,300	.....	.....
Eleventh Ohio .....	12,464,249	12,459,932	.....	66,376
Eighteenth Ohio .....	2,734,214	2,739,898	.....	16,386
Twenty-third Pennsylvania .....	301,158	281,485	.....	14,564
Third Texas .....	103,890	103,890	.....	.....
Total .....	107,045,028	108,616,142	3,376,764	817,806

JULY 1, 1900, TO JUNE 30, 1901.

Districts.	Produced.	Withdrawn, tax paid.	Withdrawn for export.	Remaining in factory June 30, 1901
Connecticut* .....	10,786,496	8,085,968	2,687,810	49,235
First Illinois .....	42,273,266	41,571,302	668,259	350,902
Thirteenth Illinois .....	58,566	60,549	.....	.....
Sixth Indiana .....	9,143,286	9,184,200	13,980	66,659
Kansas <sup>b</sup> .....	16,365,738	16,246,090	135,444	141,808
Fifth Kentucky .....	165,133	160,630	.....	8,003
Maryland .....	2,670,218	2,676,404	.....	.....
Sixth Missouri .....	4,032,442	4,000,807	.....	.....
First New Jersey .....	144,275	151,425	900	.....
Fifth New Jersey .....	308,591	307,791	800	.....
First Ohio .....	1,098,503	1,073,364	.....	25,139
Eleventh Ohio .....	12,739,370	12,775,313	.....	30,433
Eighteenth Ohio .....	2,606,100	2,606,257	.....	16,229
Twenty-third Pennsylvania .....	2,157,052	2,137,787	.....	33,829
Third Texas .....	394,830	394,830	.....	.....
Total .....	104,943,856	101,432,717	3,507,193	722,237

\*Including the State of Rhode Island. No oleomargarine was manufactured in the State of Connecticut.

<sup>b</sup>Including the Indian Territory and the Territory of Oklahoma, but no oleomargarine was manufactured in either of these Territories.

The following table of production and total receipts from all oleomargarine sources for each fiscal year since November 1, 1886, the date the oleomargarine law took effect, is interesting as showing the extent of operations in the country:

	Total produc- tion.	Amount re- ceived.
On hand November 1, 1886 .....	Pounds. 181,090	.....
During the fiscal year ended June 30—		
1887 (from November 1, 1886) .....	21,513,537	\$723,948.04
1888 .....	34,325,527	864,139.88
1889 .....	35,664,026	894,247.91
1890 .....	32,324,032	786,291.72
1891 .....	44,392,409	1,077,924.14
1892 .....	48,364,155	1,266,326.00
1893 .....	67,224,298	1,670,643.50
1894 .....	69,622,246	1,723,479.90
1895 .....	56,968,105	1,409,211.18
1896 .....	50,853,234	1,219,432.46
1897 .....	45,531,207	1,034,129.60
1898 .....	57,516,136	1,315,708.54
1899 .....	83,130,474	1,956,618.56
1900 .....	107,045,028	2,543,785.18
1901 .....	104,943,856	2,518,101.44
Total .....	859,589,860	21,003,988.05

Mr. GRAFF. There was a slight falling off in the sale of it throughout the country?

Mr. SPRINGER. In the production, yes, sir.

Mr. DAHLE. Upon that line, allow me to inquire whether you are acquainted with the facts concerning the consumption?

Mr. SPRINGER. Yes; I have furnished a table here showing the probable consumption in the United States.

Mr. DAHLE. Not only the manufacture but also the consumption?

Mr. SPRINGER. Yes, sir.

Mr. DAHLE. That has also fallen off?

Mr. SPRINGER. I presented tables showing what that is supposed to be in the United States for the fiscal year ending June 30, 1899.

#### HOW TO PREVENT FRAUDS IN OLEOMARGARINE.

I want to call the attention of the gentlemen of the committee in connection with this question of frauds to the fact that the substitute offered by the chairman of this committee for the Grout bill in the last Congress will, in my judgment, if enacted into law, accomplish more perfectly the desired results than the legislation contained in the bill known as the Grout bill, or a similar bill. I have gone over the subject carefully, so as to put in shape as near as I can, as a kind of résumé of the Wadsworth bill, the propositions which I think could be enacted into law and which would protect the consumers of this country against the fraudulent sale of oleomargarine as butter. If that can be done it should be conceded that the consumer has a right to purchase any wholesome article of food that the market supplies if he is willing to pay for it, and if he knows what he is getting; that the law ought not to stand between him and the satisfying of his tastes for healthful food. To do so would be an exercise of arbitrary power not recognized as either democratic or republican in this free Government of ours.

I call your attention to this proposition. If a law could be enacted by Congress in substance as follows, I believe it would accomplish the desired object:

\*SECTION 1. That all oleomargarine may be made in any tint, according to the taste of the manufacturer, provided its ingredients are harmless, and, except for export, shall be put up by the manufacturer for sale only in original packages of one and two pounds, and in no other larger or smaller packages. On every print, brick, roll, or lump of oleomargarine, before being removed from the factory, there shall be impressed in sunken letters at least half an inch in size the word "oleomargarine."

SEC. 2. That every such print, brick, roll, or lump of oleomargarine so impressed shall then be wrapped by the manufacturer with a paper wrapper with the word "Oleomargarine" printed thereon in large and distinct letters; said wrapper shall also bear the name of the manufacturer of the substance so wrapped, and the caution notice now provided by law be plainly placed thereon. Said print, brick, roll, or lump of oleomargarine shall then be put by the manufacturer thereof, before leaving the factory, in such wooden or paper or other package or wrapper as he shall elect to market or sell it. All such packages or wrappers shall have the word "Oleomargarine" placed thereon in large and distinct letters, together with the name of the manufacturer of the inclosed substance and the ingredients of which the contents of the package are composed.

SEC. 3. After each print, brick, roll, or lump of oleomargarine has been impressed and inclosed with a suitably-marked wrapper, as herein provided for, the internal-revenue stamp of 2 cents per pound, as now required by law, shall be placed entirely around it and be so affixed as to effectively seal the wrapper of such print, brick, roll, or lump of oleomargarine. All of such prints, bricks, rolls, or lumps of oleomargarine so impressed, wrapped, stamped, and sealed shall be considered to be original packages for the purpose of sale and distribution.

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\* Prepared by Col. J. F. Hobbs, editor, The National Provisioner, of New York.

Sec. 4. That each of such prints, bricks, rolls, or lumps of oleomargarine shall be deemed to be an original package, whether sold singly or by any number, when packed in a larger tub, box, or other enclosure, upon which the word "oleomargarine" shall have been distinctly branded or printed in black letters, each letter being not less than an inch in size.

Sec. 5. That oleomargarine so impressed, wrapped, stamped, and packed, whether colored or uncolored, shall only be sold in the original, unbroken packages so wrapped and stamped as above specified.

Sec. 6. That when so made, wrapped, stamped, and packed as above specified said original packages of oleomargarine shall have all of the rights, privileges, and protection of interstate commerce.

Sec. 7. That each manufacturer of oleomargarine shall pay a factory license of \$2,500 per annum, which shall include its license as dealer, and that all other dealers in oleomargarine shall pay a seller's license of \$10 per annum.

Sec. 8. That oleomargarine shall not be sold from the same counter or enclosure in the same store where butter is sold, and that on or over the place where oleomargarine is kept or sold, and in plain view of the customer, there shall be suspended or placed the sign "Oleomargarine sold here." Said notice to be on a substantial substance and each of the letters thereon shall not be less than 3 inches long and 2 inches wide.

Sec. 9. That for any violation of the manufacturing or selling conditions as specified in this act for which the offender is convicted he shall pay a fine of \$500 for the first offense; \$1,000 and 2c. per pound additional penalty on each pound of the product he has made or sold for the second offense of which he is convicted; confiscation of his stock, cancellation of his permit or three years in penal servitude, or all of them for a third conviction.

Sec. 10. That anyone carrying on the business of manufacturing or selling of oleomargarine without proper Government license or permit shall be deemed guilty of a felony, the minimum punishment for which shall be \$500 fine and 1 year in the penitentiary, and the maximum, \$10,000 and five years in the penitentiary.

Sec. 11. That the word oleomargarine in this act shall also be construed as meaning butterine, the two substances being the same.

I want to call your attention briefly to the provisions of this proposed act. This act requires such a complete supervision of the manufacture of oleomargarine by the Government agents that it seems to me almost impossible for any fraud to be committed between the manufacturer and the consumer. It is a penal offense to break the Government stamp. In other words, until it comes into the household of the consumer he does not see inside of the paper. Hence the necessity for putting the statement of the ingredients on the outside of the package, so that he can read that there. When he gets it home he breaks the package for the first time it is broken since it left the manufacturer, and there he finds the contents which he has purchased, knowing the contents from the label on the outside.

Will that prevent any frauds in bringing oleomargarine from the manufacturer to the consumer? I contend that it will, and in order to establish that fact I am going to put on the stand here the best authority in the United States upon that subject, namely, the Hon. Lyman J. Gage, Secretary of the Treasury. Mr. Gage appeared before the United States Senate committee at the last session of Congress and made a statement upon this subject, and having been present at the time he concluded his examination I submitted the following questions to him, which he answered very briefly here, and I will read from this testimony:

Mr. SPRINGER. The difficulties which have been called to the attention of the committee in regard to the selling of oleomargarine or butterine seem to relate to the fact that the retail dealer may break the original package and deal it out in smaller quantities to suit the desires of the purchaser, and in so doing he can sell oleomargarine or butterine to a consumer who presumes that he is buying butter.

Now, I desire to ask you whether it would be possible to make such rules and regulations (if the law so authorizes) requiring the selling of oleomargarine to the

consumer by the agents of the manufacturer or the retail dealer in the original package, without breaking even the stamp itself around the original package, that the selling of oleomargarine for butter would be prevented, and it would have to be sold for what it really is?

Secretary GAGE. I think so. I have read the amendment or substitute bill recommended by the minority report of the House committee.

The ACTING CHAIRMAN. That is what is known as the Wadsworth bill?

Secretary GAGE. It provides a method of putting up oleomargarine in packages of 1 pound or not more than 2 pounds, I believe. Am I right?

Mr. SPRINGER. Yes, sir, that is right.

Secretary GAGE. They are, as I understand, required to be separate and distinct from each other, with a revenue stamp wound around them and sealed as effectively as a box of cigars is with its stamp. I can not imagine any reason why that would not be a very effective means of preventing the dealer from opening these packages and selling the product as butter. The abuse in that respect would be reduced to an infinitesimal amount. Of course a dealer could cut a package in two, obliterate the stamp, and sell half a pound at a time as butter.

Senator MONEY. That is possible with cigars and everything else, is it not?

Secretary GAGE. It is possible in every department, but the temptation would be so small, and the penalties so great, that my opinion is that such deception would scarcely be practiced at all.

Mr. SPRINGER. That is to say, if the dealer is required to sell it to the consumer in the original packages and is not allowed to break them?

Secretary GAGE. That is what I mean.

Mr. SPRINGER. It would almost do away with the possibility of fraud on the consumer?

Secretary GAGE. Yes, sir.

Now, gentlemen, if there is anybody in this country that knows more about this subject than Secretary Gage, I do not know who it is. I will place his testimony before this committee, and before the country, against all of these loose statements that have been made before the committee by all of the earnest advocates of this repressive legislation, and I will put before you a proposition which carries out the views of the Secretary of the Treasury, who has had experience in this business so as to know what should be done.

Mr. Chairman, I ask this committee if you desire to accomplish what the friends of the pending bill say they are willing to have accomplished, namely, to permit the consumer to buy what he desires, if he knows what he is getting, to throw around this substantial regulations, more stringent than have ever been thrown around any food product of this country, and see whether you can not permit the consumers of oleomargarine, or those who desire to consume it, to obtain that product at a reasonable price in an open, honest market.

Now, I call your attention to the fact that there have been some allegations of fraud in the selling of oleomargarine in violation of the internal-revenue laws by the retail dealers not having licenses. Secretary Gage gave a very striking instance of that in his testimony, to which I wish to call your attention. This will be found on page 563 of the report of the Senate committee of the last Congress. He said:

I have here a letter which I picked up this morning, dated November 24, 1900, which illustrates something. It is a letter from one of our agents in Cleveland, Ohio, addressed to Commissioner Wilson. This agent was directed to inquire into the dealings of a certain gentleman in a small Ohio town, because the report of one of the manufacturers of butterine set forth sales to this gentleman, whom we will call Mr. Brown for the purposes of illustration. You know, gentlemen, that all of the manufacturers have to report their entire sales to the Department; and the report of this particular manufacturer came along, showing the sale of 228 pounds of butterine, in three different lots, to this Mr. Brown, in this town in Ohio. Mr. Brown had no license to sell butterine, and we made an investigation. We found that he was not selling butterine, but was simply ordering it for sundry persons, in their behalf, and ordering it to be sent to them direct for consumption. Now, it is

a somewhat singular fact that these parties for whom Mr. Brown acted were all dealers in milk, and were selling all their milk to Mr. Brown, who was in the cheese business.

Then Senator Allen asked:

Mr. Secretary, was that a mere cover, or was it a bona fide transaction upon Mr. Brown's part?

Secretary GAGE. Oh, it was entirely in good faith. Mr. Brown lived in this village and these milk dealers brought him all their milk, and they wanted butterine.

So, we have the educated farmer in Ohio bringing his milk to the dealer in butterine, and exchanging it for butterine, and that was supposed to be a fraud. But the Secretary of the Treasury found it was not, because Mr. Brown was not ordering it for himself, but it was ordered and was sent to the men who furnished him milk. This explains how a great deal of this oleomargarine gets out among the people. The farmers want to exchange their milk for butterine because it is a good deal cheaper, and they would rather do that than to make butter out of the milk that they have.

Mr. GRAFF. There is a pretty good market for the milk?

Mr. SPRINGER. Yes. They did not exchange their milk for butter, mind you, but for butterine.

#### THE CONSUMPTION OF OLEOMARGARINE AND BUTTER.

I want to call your attention to another fact of some importance in this connection. Before the Senate committee in the last session appeared at the request of the committee the Hon. James Wilson, Secretary of Agriculture, and submitted a statement, to which reference has been made by Governor Hoard and others. But Mr. Wilson made a statement which these gentlemen have overlooked. It is pertinent in this connection. This will be found on page 415 of the Senate report on the oleo bill last Congress. Mr. Wilson said:

The increase in the manufacture and sale of oleomargarine in this country during the past twenty years has been very rapid. The latest reports show a total production of 83,000,000 pounds, and as only about 3,000,000 pounds are exported, the domestic consumption is in excess of 1 pound per capita, as against an estimated consumption of 18½ pounds of butter.

Please keep these figures in mind. He said 1 pound per capita per annum of oleomargarine is consumed in the United States to 18½ pounds per capita of butter.

For example, the per capita consumption per annum in Great Britain is supposed to be 3½ pounds of oleomargarine and 15 pounds of butter, and in Denmark the consumption is 15½ pounds of oleomargarine and 20 pounds of butter. But while in these foreign countries the element of substitution and fraud has been largely eliminated, and the margarin is generally bought and consumed knowingly and under its right name, it is understood that a very large part of the oleomargarine used is believed by the consumers to be genuine butter.

This was the important statement of the Secretary of Agriculture before a committee of Congress, and I take it every word he has uttered here is founded on reliable statistics, or he would not have stated the facts before the legislative branch of the Government. These statistics, to which I call attention, show that Denmark, having a population of a little over 2,000,000 souls, and an area of a little over 14,000 square miles, and whose people are certainly not so well to do in the matter of supplying their domestic wants as the people of the United States, has a consumption of oleomargarine of 15½ pounds

per capita, and a consumption of 20 pounds per capita of butter. Now, mark these figures! Fifteen and one-half pounds of oleomargarine and 20 pounds of butter consumed per person per annum in Denmark! How can you account for this large consumption of oleomargarine and this large consumption of butter? There is a pound and a half more butter per person consumed in Denmark than in the United States.

In the United States we produce 1,500,000,000 pounds of butter per annum and export a large number of pounds of it every year, having a surplus after supplying the home market; yet the consumption of butter among our people, wealthy as they are and able as they are to supply their wants and to feed themselves, was  $1\frac{1}{2}$  pounds less per capita of butter than it was in Denmark. What does this show? It demonstrates conclusively this fact—and there is nothing so reliable as facts when we deal with this subject—that the large consumption of oleomargarine by the people of Denmark did not interfere one particle with the consumption of butter. In other words, there was a larger consumption of butter than there is in the United States, notwithstanding the people consumed  $15\frac{1}{2}$  pounds per capita per annum of oleomargarine.

That consumption was by poor people who could not afford to eat butter at the higher price, and who therefore supplied their wants for those articles of food necessary in the human economy by getting oleomargarine. If there had been a prohibition on the use of oleomargarine in that country it is possible there would have been a less consumption of butter than there really was, and practically no consumption of oleomargarine. But the poor people of Denmark were permitted to supply their wants for the necessary fats to support the human economy by the purchase of a cheaper product. What effect has that had upon the dairy trade?

Mr. LAMB. Of this country?

Mr. SPRINGER. Of Denmark. I am coming to the other in a moment.

I have examined the statistics embraced in the Statesman's Year Book on this subject and also in Whittaker's Almanac, which I found in the Congressional Library this morning, and I call attention to those statistics. They show that the imports of oleomargarine into Great Britain from Denmark, in other words the exports from Denmark into Great Britain of butter were as follows in the various years to which I call attention:

In 1870 in dollars the value was \$3,858,000. That was in 1870. In 1891, \$24,000,000, in round numbers; in 1898, \$36,000,000, and in 1899, \$37,432,000.

These were exports of butter from Denmark to Great Britain only. Other countries are not given, because these are English publications and simply give the figures in regard to England. This shows an enormous growth of the butter industry in Denmark during the time that the people were consuming 15 pounds per capita of oleomargarine.

The CHAIRMAN. And 20 pounds of butter besides?

Mr. SPRINGER. And 20 pounds of butter in addition to the vast amount they were exporting to one country, namely, Great Britain, in 1899, \$37,000,000 worth. That was the amount exported in one year by 2,000,000 people to one country only.

Now, gentlemen of the committee and my dairy friends, I want to allay your fears. Henceforth cease your fearful forebodings and your alarm at the prospective growth of the butterine industry in this



country. Let not such things move you, for the reason that in this little country of Denmark, where it has been tested by the severe and unerring trial of time, it is shown that a large consumption of oleomargarine is not inconsistent with or interferes with a large consumption of butter. The largest consumption per capita of any country in the world, so far as statistics go, is in that little country of Denmark, and the largest consumption of oleomargarine took place there also. Mr. Larsen, who testified here yesterday, said that he learned his trade in that country as a manufacturer of butterine. They make it there. I want to call your attention to what this means to the United States. What does that teach us here?

Mr. SMITH. Just a minute before you enter upon that. Have you any theory as to what has caused the large consumption of both butter and oleomargarine in Denmark? The two products together would amount to 35½ pounds per capita.

Mr. SPRINGER. Yes, that is right.

Mr. SMITH. If they consumed 15½ pounds of oleomargarine and 20 pounds of butter per capita that would make 35½ pounds per capita of the two. Have you any theory as to what has led to their using more of the two per capita than any of the other countries of the world?

Mr. SPRINGER. It is a cold, damp country, where there is a larger demand for fat to supply the human economy than in warmer climates. That is one reason for it.

Mr. SMITH. Did you in your investigation learn whether that was true in past years or whether it is a growing—

Mr. SPRINGER. It is a growing industry. The people before had to use more pork and fats that come from meats.

The CHAIRMAN. The natural fats?

Mr. SPRINGER. The natural fats. But the recent growth is attributable, in my judgment, to the fact that the people have discovered there that the business of making butter is a profitable one, and therefore it has become popularized, and the people eat generally what they are talking about and seeing all about them, and as it is a large butter-making country they consume a great deal, both of butter and butterine. More whisky is consumed where whisky is made than where it is unknown, and so they consume more butter where they see it constantly and where they can get it at a reasonable price.

Mr. SCOTT. Your theory is, then, that 1 pound of oleo per capita per annum consumed in the United States does not interfere with the sale of butter or with the growth of the butter industry?

Mr. SPRINGER. Not a particle. It is as imperceptible as a drop of water in the ocean.

Mr. LAMB. Then will you please answer me this question? How is it that the small dairymen and farmers in the district I represent have had to sell off their cows, and that they report to me continually that their revenues are cut short by reason of the fact that oleomargarine takes the place of their butter in the markets, and that every dairyman and every man who sells butter, even in the city of Richmond, writes me the same thing?

Mr. SPRINGER. I think your constituents are mistaken as to the cause of their trouble, for the reason that butter is bringing a higher price now than ever before.

Mr. LAMB. Now, I deny that.

Mr. SPRINGER. And then we will appeal to the statistics.

Mr. LAMB. I appeal to the facts, and Governor Hoard has stated them in that respect.

The CHAIRMAN. I think butter is higher now. How is that?

Mr. SPRINGER. I am willing to leave that to statistics.

The CHAIRMAN. I think the dairy commissioner of Wisconsin might enlighten us on that.

Mr. ADAMS. The Elgin creamery price has gradually dropped in the last twenty years.

Mr. SPRINGER. How much has it dropped?

Mr. ADAMS. It has varied somewhat, but to-day, as I recollect the price of Elgin creamery in New York and Chicago, it is, on an average, about 22 or 23 cents.

Mr. SPRINGER. I am comparing it with three or four years ago.

Mr. ADAMS. You say that butter to-day is higher than it ever has been.

Mr. SPRINGER. I did not mean to refer to the war prices; I did not mean when the prices were inflated.

Mr. ADAMS. I do not think the price of Elgin butter has materially varied in the last five years. If it has had any tendency it has been downward.

Mr. ALLEN. Is it not true that in Wisconsin the price of dairy farms and dairy cattle has increased in the last few years?

Mr. GRAFF. Is it not true that every farm product has increased in value in the last few years?

Mr. SPRINGER. This great prosperity is bringing up the price of cows, and I want to say to my distinguished friend on my right [Mr. Lamb] that if his constituents would consider the real facts that cause their embarrassment they will find that they have been misinformed, for these facts I have brought here must be reconciled to other facts. In Denmark, for instance, in the midst of a consumption of 15½ pounds of oleomargarine the consumption of butter, and therefore the demand for butter, was greater than in any other country in the world, amounting to a pound and a half more than in this country.

Mr. SMITH. I have been very much interested in what you said, especially about Denmark. Would it be a fair inference that the large consumption of oleomargarine there was attributable to the fact that it was sold uncolored and upon its merits?

Mr. SPRINGER. It is attributable to the fact that the laws were so made that the people could buy it for what it really was without violating any law.

Mr. SMITH. And did the fact that it appeared honestly and upon its merits stimulate the use of it?

Mr. SPRINGER. Yes, as Mr. Wilson stated. In these foreign countries the people generally buy it for what it is; they know what they are getting.

Mr. GRAFF. Is it true that in Denmark it is sold white?

Mr. SPRINGER. That is what Mr. Larsen said on yesterday. He stated that it was substantially white.

The CHAIRMAN. But if you will examine the testimony you will see that he stated it was a light straw color, I think.

Mr. SMITH. I think you said that they sent some coloring along with it when they sent it to other countries from Denmark.

Mr. SCOTT. I asked Mr. Larsen particularly if it were possible to distinguish the oleomargarine from the butter in the open market in Denmark and he said it was not distinguishable.

Mr. HASKINS. Do you think it is fair to compare the people of the United States to the people of Denmark in their ability to buy?

Mr. SPRINGER. I do not. I think I am doing the people of this country injustice in this, that our ability is so much greater than theirs to supply our wants. But if this can be done in Denmark, what could be done by the well-to-do people in the United States?

Mr. HASKINS. And they do not want the cheap stuff.

The CHAIRMAN. Don't they?

Mr. SPRINGER. Give them a chance to get it, then. If you will go with me into the labor regions of Pennsylvania and Ohio and Illinois, I will show you people by the thousands who need the cheap butter just as much as they do in Denmark or any place in the world. And the lumber districts of Wisconsin, as my friend here [Mr. Allen] has suggested; give them a chance and we will see what they will do. Do not try to prevent them from getting it.

Mr. DAHLE. Have you any idea of the amount of butter that may be used in the manufacture of white oleomargarine in Denmark?

Mr. SPRINGER. I have not.

Mr. DAHLE. May the yellowish tinge given to oleomargarine in Denmark, then, come from a far greater amount of butter put into it?

Mr. SPRINGER. Possibly. You might have learned about that if you had called upon Mr. Larsen, who addressed you yesterday. I do not know what the fact is.

Now, let me call your attention, gentlemen, to the possibilities of encouraging agriculture in the United States by proper legislation upon this subject. I shall contend from this time forward that no matter how much of a consumption of oleomargarine there may be in this country that it will not interfere in a perceptible degree with the sale, production, or consumption of butter. That is the proposition upon which I will stand until somebody refutes it. Therefore, if you will permit, under proper regulations, such as the Secretary of the Treasury has indorsed fully, the people of this country who can not afford to pay 35 cents a pound for creamery butter to get a cheap substitute for it, if you will permit them to do that, I want to point out how much encouragement you will give to real agriculturists in this country.

My clients are farmers themselves; every product that goes into oleomargarine is a product of the farm. They are not to be discriminated against any more than the dairymen are, and I would not discriminate against them for anything in the world. But they are a part of the farmers of this country and have as much right, and should have as much consideration, as any other farmers. What would be the effect upon them and their industries if you would let the manufacture of oleomargarine go on under regulations such as the Secretary of the Treasury says will produce absolutely honest dealing, and also enable people who desire to procure the cheaper article at a reasonable price to do so?

Mr. DAHLE. Is not the combined farmer and dairyman, as they are classed, the class that are now clamoring for new legislation?

Mr. SPRINGER. I think if the consumers knew it they would be most interested in it.

Mr. DAHLE. Is it the farmers, is that the class you speak of as being in favor of this legislation?

Mr. SPRINGER. No; I think the manufacturers of butter are the principal parties who are pressing it.

Mr. DAHLE. And the patrons of the creamery butter manufacturer?

Mr. SPRINGER. I think the patrons have been solicited for the purpose of getting petitions and all that sort of thing, but I think that this movement against oleomargarine is principally stimulated by the manufacturers of creamery butter.

Mr. DAHLE. Who are largely manufacturers of creamery butter?

Mr. SPRINGER. You know that the headquarters of that industry are located at Elgin, Ill.

Mr. DAHLE. Who are they; are they the farmers themselves?

Mr. SPRINGER. Not generally; some of them are and some of them are not. The farmers are not generally manufacturers, although they furnish the milk. If you go near one of these creameries in the country you will find a platform by the road, to which the farmer drives with his wagon and unloads his milk. The creamery is near by and the milk is taken into the creamery from the platform and it is worked up there, and the creamery man pays the farmer for it. The farmer is a seller of his product. So the farmer's industry consists, as a rule, of selling his milk to the man who makes the butter. me, who the manufacturers of butter are.

Mr. DAHLE. I will ask Mr. Adams, of Wisconsin, if you will permit

Mr. ADAMS. With the consent of the Chairman, I wish to say that this is not, perhaps, very material; it does not make any difference whether the farmer is a partner of the manufacturer of the butter or not, because he simply sells his milk; that is what he has to sell for the manufacture of the butter. But my experience is that in the large majority of cases the creameries are cooperative.

Mr. HASKINS. That is true in Vermont.

Mr. ADAMS. They have a joint interest in the factory, as a rule, and divide the profits.

Mr. SPRINGER. I think that is true in some localities.

Now, if you will give me your attention and not get off the main point, what would be the natural consequence of permitting in this country the sale of oleomargarine in such a manner that the consumer would know what he was getting, and he would be enabled to get it by paying the oleomargarine price? I want Mr. Dahle to listen to this because he is a gentleman whom I specially desire to talk to. I know his interest in this matter and that he is of all others posted on these subjects, and well posted, and is regarded as a representative man upon the subject.

Mr. DAHLE. Thank you.

Mr. SPRINGER. We have been trying to reach this proposition as to the effect that would be produced upon the farmers of this country who produce milk, cattle, hogs, sheep, etc., if you allow them to purchase oleomargarine in such quantities as they see fit, and allow the workingmen—the wage-earners of this country—who can not afford butter upon any other terms unless they get it at oleomargarine prices, to purchase this cheaper article upon its merits. In Rhode Island, to which I called your attention, there is a per capita consumption of oleomargarine, according to the report of the Secretary of the Treasury, of 8 pounds for the last year, or year before last—the last statistics we have. That

is in little Rhode Island. I am not surprised that Mr. Tillinghast, the gentleman from Rhode Island, who addressed the committee on Wednesday, stated that Rhode Island was one of the green spots on the earth. Rhode Island's wage-earners, her working people—and she is a great manufacturing State—consume oleomargarine, and the consumption amounts to 8 pounds per capita of the whole population per annum.

My distinguished friend suggested a few minutes ago that the people of this country were able to buy butter here, and did not want to buy oleomargarine, and therefore it was no injury to them to withhold it from them. But go to Rhode Island, which is a manufacturing State, and you will find that the whole people there consume eight pounds per capita per annum. Will you let them have it, or will you compel them to go without any butter of any kind? I appeal to you in behalf of the workingmen of Rhode Island, if no other place, who desire to consume oleomargarine. And I hold, Mr. Chairman, if you will permit the sale of oleomargarine upon its merits, under proper restrictions, such as have been suggested by the Secretary of the Treasury, there will be a consumption of eight pounds per capita of oleomargarine, within the United States, within two or three years. And what does that mean? It means a production and consumption of 500,000,000 pounds a year, instead of 107,000,000 a year, as is now the output. Who will be injured by that? Dairymen? No sir, the statistics of Denmark show that you popularize the use of butter and create even a greater demand for it than there was before. And you would permit these people, who could not get the necessary fats any other way, to purchase this cheap and wholesome product for themselves.

I take it the people of Rhode Island are a fair sample of the people in this country. Give them a chance to buy eight pounds per capita of this article and consume it, and it will not injure the dairymen. Nobody will be injured, but there will be a demand for the production of 500,000,000 pounds of oleomargarine in this country as against a demand for 107,000,000 pounds last year. This will mean a corresponding demand for every article of the farm, including milk, which enters largely into the manufacture of oleomargarine. I think Mr. Larsen said yesterday that thirty per cent of this product was milk. It will create a larger demand for milk in the country, which the farmer produces, than there would be created by any other stimulant to the milk business. What was the fact in Ohio, as stated by Secretary Gage? The farmers were bringing their milk into town to exchange it for butterine. Let them have a chance to do it if they want to honestly and without having to run the gantlet of a criminal statute. That is what we ask.

I believe, Mr. Chairman, that this course would be honest, and therefore, if it is honest, the people have a right to demand that no restriction shall be thrown around their tables or their consumption except those which are necessary to health and the collection of revenue.

Mr. HENRY. Will you allow an interruption?

Mr. SPRINGER. Certainly.

Mr. HENRY. Or you can get through with what you have to say upon that.

Mr. SPRINGER. Further, if we were permitted, as they are in Denmark, to consume fifteen and a half pounds per capita per annum,

what would be the effect on the country; would it interfere with the demand for butter and its consumption? Not at all. It did not interfere there; it only made butter more popular and the consumption of a pound and a half more there than there was consumed in this country. What would be the effect upon the producers of milk, upon the cattleman and the raisers of hogs in this country? It would mean this: It would mean that the 86,000,000 people in the United States would, instead of consuming 100,000,000 pounds of oleomargarine, consume 1,300,000,000 pounds a year of oleomargarine. If the consumption here was as great as it is in Denmark it would mean that the 31,000,000 pounds of neutral lard used in 1899 in the manufacture of oleomargarine would be increased by a demand for 406,000,000 pounds. That would mean a demand upon the cattlemen to furnish 406,000,000 pounds of oleo oil annually instead of 31,000,000 pounds.

Mr. GRAFF. You said a little while ago the demand for oleo lessened somewhat instead of increasing. You are not objecting to the Government regulation as it now exists?

Mr. SPRINGER. I am objecting to the laws of such States as Pennsylvania, to which I will call your attention presently.

Mr. GRAFF. You think it is State legislation?

Mr. SPRINGER. State legislation, yes, sir, that has caused this reduction. It would mean instead of 22,000,000 pounds of oleo oil that there would be a demand for—

The CHAIRMAN. Will you state those figures over again?

Mr. SPRINGER. Yes. There would be a demand in this country for the consumption of 1,333,000,000 pounds of oleomargarine as against 107,000,000 pounds now consumed. It would also mean that instead of a limited demand of 31,000,000 pounds of neutral lard, as it was in 1899, the demand would be for 406,000,000 pounds of neutral lard; and it would mean instead of 22,000,000 pounds of oleo oil that there would be a demand for 290,000,000 pounds; and it would mean that instead of a demand for 3,335,000 pounds of cotton-seed oil there would be a demand for 43,600,000 pounds of cotton-seed oil; that instead of 23,000,000 pounds of milk and cream, there would be a demand for 307,000,000 pounds of those articles to enter into the production of oleomargarine.

I hope you will not regard these figures as startling or alarming to the dairy people in the United States. They have not alarmed the people of Denmark, where the thing has been tried practically and brought practically into operation. They have not produced any danger to the business there and they will not here. If you will put them on the same basis here as they are there, you will find these industries which are now handicapped with this oppressive legislation will be allowed to run and be glorified, and they will help to build up the general prosperity of the whole country. Nobody will be injured, everybody will be benefited.

Mr. HASKINS. This is all assumption of your own, is it not?

Mr. SPRINGER. No, sir; conclusions based upon facts. I have produced the facts. I have produced the facts as to Denmark and I have produced the facts as to this country, where we have this restrictive legislation, and I have asked you to put the business here on the same basis as it is in Denmark, so that oleomargarine may be sold upon its merits. Then I assume that the conditions will follow here that have followed there.

Mr. HASKINS. You would not want to put the business of this country upon the same conditions that it is in Denmark?

Mr. SPRINGER. Oh, my dear friend, that would depend entirely on circumstances. I would put all the people of this country in a position so that they might supply their wants, whether the people of other countries have that privilege or not. I am proud of my country, proud of its history, proud of its laws, proud of its power, and I want to see such laws made in my country that the poor people of other countries can point to it as a model for their guidance instead of our being compelled here, with our wealth, to point to the peoples of Europe to get our models for the bettering of the working people. I think the condition of the people of Denmark is an object lesson worth an enormous amount to the rest of the world; and I do not want to shut my eyes against an object lesson of that kind, and I do not want you, my friends, to shut your eyes against it. Do not close your eyes and ears and refuse to hear these facts; listen to them and consider what would be the effect in this country upon our industries if you would put them on the same basis.

My friend here from Illinois [Mr. Graff] asked me what was the cause of the lessening of production of oleomargarine last year. I attribute it to the unfriendly laws in the States. Let me call your attention to one law in one State that has been passed since Congress adjourned last year, namely, the State of Pennsylvania. Pennsylvania has passed a law upon the subject of oleomargarine, the most objectionable, I believe, of any State in the Union. The statute was passed in May last, on May 29, 1901, and was for the purpose of avoiding the effect of the decisions of the Supreme Court of the United States in the celebrated case that went up to that court from the courts of Pennsylvania—the Sholleberger case. It was for the purpose of putting further restrictions on the selling of colored oleomargarine in that State so as to prevent its sale entirely if possible. Section 1 prohibits the manufacture, sale, or shipping of oleomargarine unless coloration causing it to look like butter is excluded.

Section 2 provides a license for making, selling, and so forth, oleomargarine not colored.

Mr. GRAFF. It first prohibits the sale of it colored?

Mr. SPRINGER. Yes, sir.

Mr. GRAFF. And what is next it provides?

Mr. SPRINGER. It provides a license for selling it uncolored, and this license fee for the manufacture is a thousand dollars a year, for the wholesale dealer \$500 a year, for the retail dealer \$100 a year; hotels have to pay \$50; boarding houses \$10 each a year. Those are the licenses for selling oleomargarine uncolored. The sale of colored oleomargarine is entirely prohibited; its manufacture, sale, and transportation in the State are prohibited. Where this article is used in hotels, boarding houses, and so forth, there must be displayed all sorts of signs that "oleomargarine is used here," and they must have printed notices placed on the plates at the table, at the meals, so that one can see what he is getting and know what all these restrictions are.

Mr. GRAFF. It makes you think of it all the time?

Mr. SPRINGER. Yes, I presume so.

Mr. GRAFF. You stated that what a person thought of constantly would be what he would be inclined to want, and I should think, perhaps, that all these regulations, according to your idea, would encourage the use of it.

Mr. SPRINGER. It is possible that might be the result in time, but I did not speak in that sense, as you understand very well. As a general rule, that which is uppermost in the minds of people is that to which they would give greatest attention. But I call your attention to this fact, and I ask fairness for this industry. It has been demonstrated (but some of you have asked not to take up the time of the committee with a discussion of the question, because everyone is agreed on it, and so I will not go into it) that it is a pure and healthful article of food; there is no question but what it is wholesome. There is no other country in the world that would encumber a wholesome article of food by such legislation as has been passed in regard to oleomargarine by some of the States of this Union—it being admittedly a pure food product.

Section 6 of this bill imposes a fine of \$100 for selling oleomargarine colored. Section 7 provides that a person guilty of selling colored oleomargarine the second time is guilty of a misdemeanor and is punishable by fine and imprisonment in jail. For the second offense the fine may be as much as \$500 and imprisonment may be as long as twelve months.

Mr. ADAMS. Should not that be fine *or* imprisonment?

Mr. SPRINGER. No; I think it is "and." I have so written it in my notes. It may be as long as twelve months.

Mr. LAMB. Does not that Pennsylvania legislation, whether right or wrong, in regard to colored oleomargarine, indicate the trend of public sentiment and thought in that State?

Mr. SPRINGER. I suppose so. That is the trend that has been worked up with great energy and vigor.

Mr. GRAFF. What is the effect of the law upon the sale in the State?

Mr. SPRINGER. I assume, although I have no statistics on the subject, that it will have the same effect that it did in Vermont, practically prevent the sale of colored oleomargarine. In Vermont there are no large cities, while in Pennsylvania we have such cities as Philadelphia and Pittsburg, and I presume it will be more difficult to prevent sales in large cities than in the rural districts.

Mr. HENRY. Will you permit me to go back a little?

Mr. SPRINGER. Certainly.

Mr. HENRY. I could not interrupt you at the time and I was enjoying your eloquence, which we all appreciate. You referred to Rhode Island as the bright spot?

Mr. SPRINGER. Yes; I said that Mr. Tillinghast, of Rhode Island, who addressed the committee on Wednesday, called it the bright spot in this country.

Mr. HENRY. The farmers and dairymen regard it as the dark spot; it is the only State which does not have restrictive legislation. We had a distinguished manufacturer here, Mr. Tillinghast, and he is also one of the leading members of the Rhode Island bar, entirely familiar with the conditions, and he told us if this bill passed, preventing the coloring of oleomargarine, that he should comply with the law, that he should continue to sell oleomargarine, that he should sell it not only legally in Rhode Island, but legally throughout New England, while now he has to sell it illegally, and while he regrets the necessity of passing the law, he says he does not think it will ruin his business. Rhode Island is essentially a manufacturing State, but the farmers of Rhode Island have been clamoring for this legislation, or legislation



similar to that of adjoining States, for years; they have suffered from the illegal—or the legal; of course it is a legal sale there—sale of oleo. I think this bill, if it pass, would be a great boon to the farmers and dairymen of Rhode Island.

Mr. SPRINGER. There is no evidence, in my judgment, before this committee to the effect that any farmers anywhere have suffered or will suffer by the passage of what is known as the substitute bill, which imposes such restrictions upon the sale of oleomargarine as will prevent its sale as butter.

Now, there are two other features to which I wish to call your attention; or, if the gentlemen of the committee prefer it, I will not go any further to-day.

The CHAIRMAN. Go ahead.

A MEMBER. Would the passage of a bill similar to the Grout bill, or the bill known as the Wadsworth bill, in any way prevent the different States from enacting legislation of their own upon the subject?

Mr. SPRINGER. I was just coming to that point. The bill pending, known as the Tawney bill, contains this provision:

That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure, unadulterated milk or cream, transported into any State or Territory or the District of Columbia and remaining therein for use, consumption, sale, or storage therein, shall upon arrival within the limits of such State or Territory or the District of Columbia be subject to the operation and effect of the laws of such States or Territories or the District of Columbia, enacted in the exercise of its police powers, to the same extent and in such manner as though articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise: *Provided*, That nothing in this act shall be construed to permit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredients that cause it to look like butter.

That is the first section of the bill. What does it mean? Is it intended to do away with the effect of what is known as the law relating to original packages? That law has been announced by the Supreme Court of the United States.

Mr. HASKINS. That was the Iowa liquor case?

Mr. SPRINGER. Yes; the case of *Leisy v. Hardin*, reported in 135 U. S., pages 100 to 124. In this decision the Supreme Court held that a carload of beer in cans which was shipped from the State of Illinois into the State of Iowa could be sold in that State (Iowa) in the original packages, notwithstanding the law of Iowa, which made it a criminal offense to sell beer without a license. That is known as the original-package decision. Subsequently the same doctrine has been applied by the Supreme Court of the United States in the Pennsylvania case, known as the case of *Schollenberger v. Pennsylvania*, reported in 171 U. S., pages 1 to 30.

Mr. ADAMS. Can I ask the gentleman a question right there?

The CHAIRMAN. I will leave it to Judge Springer.

Mr. SPRINGER. Yes, sir; certainly.

Mr. ADAMS. I think we can get along faster, perhaps, with the aid of this question and the answer thereto. Is it not a fact that the first section of these various bills giving the States authority over oleomargarine coming within their borders in original packages is an enactment into statute law of the principle laid down in the Plumley decision of the Supreme Court of the United States? Is not that true?

Mr. SPRINGER. I was coming to that. In deciding this Schollenberger case the court said:

Up to that point of time——

That is the point when the product was shipped into the State——

We hold that in the absence of Congressional permission to do so the State had no power to interfere by seizure or any other action in prohibition of importation and sale by the foreign or nonresident importer.

Soon after the original-package decision, Congress passed a law known as the Wilson act (26 Stats. U. S., 313), which provided that intoxicating liquors became subject to the local law when they were shipped into any State or Territory. That law is the precedent invoked by section 1 of this act putting oleomargarine upon the same basis in going into States where the sale is prohibited that you have placed upon the sale of intoxicating liquors. Now, I ask you, gentlemen, in all candor and fairness, do you desire to do that? Do you desire to provide that the law of Pennsylvania shall be the law of the United States in reference to oleomargarine that is shipped into the limits of that State? It will be subject to seizure and confiscation the moment it crosses the line if the law of Pennsylvania is to operate instead of the original-package provision of the Constitution.

Are you going to breathe into the local statutes in Pennsylvania and other States the breath of life by giving them Federal sanction? That is what this first section does. It simply provides that Congress shall sanction all these offensive laws that have been passed by thirty-two States in the Union and make them in effect Federal enactments, and to place the sale of a wholesome article of food, such as oleomargarine, upon the basis of the sale of intoxicating liquors. Do you think it is right to sanction a law that in Pennsylvania a man who offers to sell the second time, and does sell the second time, such an article as was produced on this table yesterday would lay himself liable to a fine of \$500 and imprisonment in jail for twelve months? Do you desire and intend that that shall be the law in Pennsylvania, with Congressional approval? And do you mean to be understood as approving a law that requires these offensive signs to be put up everywhere—on the tables of restaurants and in hotels?

Gentlemen, Congress has never passed such a law as that in regard to any other article of food. No Congress has ever done that heretofore, and even European countries, as despotic as some of them are, would hesitate to pass such a law as that. I do not hesitate to say, Mr. Chairman and gentlemen of this committee, that I regard this first section of this bill as the most objectionable, offensive, and inexcusable legislation that has ever been proposed in the Congress of the United States. Apply it to other things; apply it to other articles that are sold in imitation of the genuine article. If you are going into this business, do not select one industry for slaughter; put them all on an equality; put renovated butter on the same basis and provide that it shall be subject to the laws of the State into which it shall come.

I ask fair dealing and equal restrictions upon oleomargarine that you impose upon all other products, and no other. Therefore I oppose most strenuously this first section, as it gives to the State laws the sanction of Congress so far as dealing with this subject is concerned. State laws on this subject have been gotten up in all manner

of terms; the ingenuity of the lawmaker has been exhausted in inventing offensive provisions in dealing with oleomargarine, requiring it in some places to be colored pink, so as to make it offensive to the taste, and thus prevent its use.

#### OLEO OIL PRODUCED IN THE UNITED STATES.

There is one other point to which I want to call your attention before I close. Governor Hoard spoke at length in reference to the amount of oleo oil produced in this country. He said, on page 9 of the hearings:

It has been frequently charged that the fat from horse butcheries is made up into oleo oil, and also that fats taken from animals which have died a natural death of disease have also been so utilized.

While we have not spent time and money seeking evidence of these things for the reasons stated, I desire to lay before you for your own mature consideration the fact that in no other way can we account for the production of the amount of oleo oil that is consumed and exported in this country. During the fiscal year of 1899-1900, there were, according to the Treasury Department reports, 142,000,000 pounds of oleo oil exported from this country. The same Department shows that in the same year 24,000,000 pounds were used in the manufacture of oleomargarine in this country. This is a total supply of 166,000,000 pounds for the year.

Now, where did this come from? How much oleo oil do cattle make per head?

The statement made before the Senate Committee on Agriculture in 1886 by Elmer E. Washburn, a live-stock dealer in Chicago, showed that from 148,893 head of cattle slaughtered in that city by one of the largest packing concerns there was an average of 61.5 pounds of fat in those animals used in oleo oil, and that those 61.5 pounds made 28.1 pounds of oleo oil, which goes to prove that there is less than 1 pound of oleo oil to 2 pounds of fat. If there were 28.1 pounds of oleo in each of the 5,000,000 head of cattle slaughtered in this country during the same year, this would account for only 140,000,000 of the 166,000,000 pounds in sight. This leaves 24,000,000 pounds to be accounted for. But the oleo people, in all their declarations to Congress and manifestoes to the public, claim that only the finest caul fat of the steer is used in the manufacture of oleomargarine.

Experiments made by our present Secretary of Agriculture while dean of agriculture of the Iowa College showed that in 30 steers averaging in weight 1,508 pounds there was an average of but 37.86 pounds of caul fat. As it is well known that 1,200 pounds would be a heavy average for the general run of animals marketed, there would not be found more than an average of 30 pounds of caul fat in each. As Mr. Washburn's testimony is that it takes more than 2 pounds of raw fat to make 1 pound of oleo oil, it is plain that the average animal will not produce more than 15 pounds of oleo oil from its caul fat. At this rate we can account for but 75,000,000 of the 166,000,000 pounds of oleo oil that makes its appearance upon the market.

These figures have been placed before the oleomargarine makers, and they challenged to show the origin of this extra oleo oil. They have never made any attempt to show us how they get 166,000,000 pounds of oleo oil out of 5,000,000 head of cattle. We are bound to presume, therefore, that they have recourse to some source of supply regarding which they do not care to take the public into their confidence.

That argument was very ingenious and it left the impression upon this committee, if you believed his statements, that it would be impossible to have that amount of production of oleo oil in this country unless resort was made to the questionable places to which he called attention, and therefore it was intimated that the manufacturers of oleomargarine must use impure materials in order to make their products. Gentlemen, it seems to me that that is a slander upon the manufacturers of oleomargarine which has all the elements of a criminal libel—to cast upon an honest industry such an imputation as to their goods as that contained in the extract which I have quoted.

If such an imputation was cast upon the dairymen of the country there would be suits for slander all along the line, because it would tend to injure their business, and the person making such statements

would be criminally and civilly responsible for the words. What are the facts? The 5,000,000 head of cattle slaughtered in this country to which he referred and the statement as to how much oleo oil was made from each steer do not represent the actual facts. I have a statement here from Mr. Charles F. Martin, secretary of the National Live Stock Association, in an address which he delivered at Topeka, Kans., day before yesterday, in which he was referring to the live-stock industry in this country.

Right here, gentlemen, I might say that there is nobody in the United States more competent to speak upon this subject than Mr. Martin. He has been secretary of the association since its organization, giving his entire time to the business of the cattlemen. He states in a public meeting of the Kansas Stock Breeders' Improvement Association, then in session, that the amount of cattle slaughtered in this country last year was 7,000,000 head. Now mark this: Twenty-eight pounds of oleo oil per steer, which was Governor Hoard's statement, and you would have 196,000,000 pounds of oleo oil produced in the United States. We have a surplus, therefore, of 30,000,000 pounds, after you have supplied the amount required for export and home consumption in the manufacture of oleomargarine. It is easy enough to distort facts; it is easy enough to take statistics of one time and make them apply to some other statistics of another time. If you wish to deal fairly take the statistics as they are. I hold that Mr. Martin is perfectly competent to state the facts upon this subject, and that is what he states.

This statement as to 5,000,000 head was based upon figures concerning the cattle slaughtered at Chicago, Kansas City, and other large cities. It took no account of the vast amount of business done elsewhere throughout the country, at all of which places all the byproducts are preserved just as carefully as at the slaughtering houses of the great cities. Hence we have 7,000,000 head of slaughtered cattle to draw from to get the oleo oil necessary to supply the foreign demands and the amount which is required in the production of oleomargarine in this country, and we still have a large surplus of 30,000,000 pounds.

That part of Governor Hoard's statement which endeavors to show that the average animal will produce only 15 pounds of oleo oil has no foundation in fact. Mr. Washburn's statement was that there were 61.5 pounds of caul fat to the steer and not 30 pounds, and that there would be produced 1 pound of oleo oil out of 2 pounds of the caul fat. But Governor Hoard said:

The oleo people, in all their declarations to Congress and manifestoes to the public, claim that only the finest caul fat of the steer is used in the manufacture of oleomargarine.

That is true. And even if only 15 pounds of oleo oil of the finest quality can be procured from each steer that is slaughtered, and if only 5,000,000 head of cattle are slaughtered each year, the manufacturers would still have 75,000,000 pounds of oleo oil of the finest quality to draw from, in order to obtain the 24,000,000 pounds required in the annual production of oleomargarine in the United States.

The statistics for the year ending June 30, 1901, show that there were exported during that year oleo oil to the amount of 161,651,413 pounds. The oleo oil used in the manufacture of oleomargarine for that year was about 28,000,000 pounds. These two items would aggre-

gate 194,651,413 pounds of oleo oil produced in the United States during that year. The product of 7,000,000 cattle at 28 pounds of oleo oil each would amount to 196,000,000 pounds. This amount would furnish our exports for that year and the 28,000,000 pounds required in the manufacture of oleomargarine, and still leave a surplus of 1,350,000 pounds of oleo oil unaccounted for in the country.

Gentlemen of the committee, in view of these facts, do you not regard it as unfair for Governor Hoard to parade before this committee and the country such slanderous charges in reference to the manufacturers of a product which all the scientists in the world have stated is a wholesome and healthful article of food for the people? I ask fair dealing at the hands of this committee in behalf of the people that I have the honor to represent here. They are not only the producers of the raw materials out of which oleomargarine is made, but they are consumers to some extent of the finished product. On the ranches of the cattle men of the country butter is not generally produced. On one ranch I know of, where 12,000 head of calves were branded in one year, there was not a pound of butter made. Those people desire to purchase butterine and oleomargarine for their ranches, because they can keep butterine for an indefinite length of time, whereas it would be impossible to supply their employees with butter at all by reason of its susceptibility to rancidity. They want it, therefore, for their employees.

Governor Hoard endeavored to show that the cattlemen would not lose anything, notwithstanding they have claimed that it would make a loss of from \$2 to \$3 a head on each steer and 20 cents a head on each hog that is slaughtered in this country, if you take away the demand which comes from the manufacturers of oleomargarine. Gentlemen, it is impossible for you to tell, or for anybody under the sun to tell, how much will be the loss to the cattlemen if you take away the demand which is created by the manufacture of oleomargarine. You are acquainted with the fluctuations of the stock market. Frosts may occur at a particular season of the year and at once the speculators go to buying farm products upon the theory that there is going to be a short crop.

All these little things enter into the market, and the board of trade men watch them. What would be the effect of withdrawing a demand for 28,000,000 pounds of oleo oil and 35,000,000 pounds of leaf lard from the markets of this country? What would be the effect upon the price of the remaining products? It would be to depress them. If you withdraw this demand you would throw this amount back on the market, which would largely depress the whole product. Hence I contend that when you secure this legislation, which has in view the destruction of a great industry, you are sowing a wind that will reap a whirlwind of which you have no knowledge; you can not tell what the result will be if you cripple this industry to such an extent as may bring bankruptcy to some of the persons engaged in it. In my opinion the passage of the Grout bill, or a similar bill, if it should destroy, as many persons believe it will, the industry of manufacturing oleomargarine, would result in a much greater loss to the live stock interests than \$3 a head on beef cattle and 20 cents a head on slaughtered hogs.

The producers of cattle and hogs see the danger that is threatened in this legislation, and therefore they appeal to you to free this industry from unnecessary and repressive provisions and to put it upon the

same basis as you put other legitimate industries of the country. You can not make your penalties too strong, so far as they are concerned; you can not make your restrictions too severe to embarrass the producers of the raw material in this country who desire to sell such amounts of their products to the makers of oleomargarine as may be demanded by an honest competition with butter. Give them that opportunity and they are satisfied, but do not single out these people for the purpose of punishing them and injuring their business in the future.

Gentlemen, there have been no petitions sought in this country by the manufacturers of oleomargarine, so far as I know, and but very few representatives have appeared, perhaps, in behalf of the consumers; and the National Live Stock Association never appeared on this arena until the last session of last Congress in order to present their demands; but the people will certainly be awakened on this subject. You can not suppress knowledge. You can not suppress the truth. If oleomargarine is a healthful, wholesome product of food, free from deleterious ingredients, all the legislation that this Congress can pass and all the offensive restrictions that the States of this Union can invent will not prevent the people of this country from getting it.

They may have to wait to get it, obeying the law, as I trust they will, and as they ought to do, until they can elect representatives who will carry out their wishes in that respect. But if our cause be just it will triumph in the end, triumph through law and not by violation of law, triumph by an enlightenment of the people of this country, and triumph by convincing your minds, gentlemen, or the minds of your successors, that right is right. The conscience of this country will not tolerate legislation long which deprives the people of the natural right to supply their wants in such a manner as they can do it to the best advantage of themselves without injury to others.

Gentlemen, there are several other things about the pending bills to which I might refer, but I beg your pardon for detaining you so long. I will ask permission to put a few extracts into my remarks from this book, entitled the *Story of Germ Life*. I wish every gentleman would buy the book if he can get it. It is published by D. Appleton Company, New York, and is by Prof. H. W. Conn, of the Wesleyan University, of Middletown, Conn. In this book the author has set forth the processes by which bacteria are used by cultures in the production of butter. It is for the purpose of showing you the necessity for restrictions to be put around the manufacture of butter for the purpose of insuring a pure article of food. There is no place where legislation is more needed. Provide for governmental inspection of creameries and see that butter is made in such a way as not to bring disease through the butter we eat.

I desire also to print as part of my remarks a letter which I have received from Dr. A. B. Richardson, the superintendent of the Government Hospital for the Insane here in Washington, where there are about 2,000 patients. I wrote him a letter and asked him if he had any objection to coming before the committee, to which he replied as follows:

GOVERNMENT HOSPITAL FOR THE INSANE,  
*Washington, D. C., December 19, 1901.*

DEAR SIR: Yours of the 18th instant at hand. I prefer not to appear before the Committee on Agriculture either for or against the oleomargarine bill, but I have no hesitation in saying that oleomargarine or butterine, made of proper ingredients and

in proper manner, is a wholesome article of diet. There can be nothing whatever said against it on this ground, and it is fully as nutritious and as easily assimilated as butter itself. I have had considerable experience in the use of butterine, and when it is of good quality I have found it to be quite satisfactory.

I think it should always be sold on its own merits and under its own name. When this is done I do not see why any discrimination should be made against its use.

Yours, truly,

A. B. RICHARDSON, *Superintendent.*

Mr. W. M. M. SPRINGER,  
1416 F Street NW., City.

Mr. HASKINS. Not all members of this committee are lawyers. Now, you do not mean to be understood when you object to the first section of the bill that those provisions affect oleomargarine in the State, but only such proportions as are manufactured without and brought within the State?

Mr. SPRINGER. It makes in effect the law of the State the law of the land. It makes the laws of the States effectual to prohibit the introduction and sale of oleomargarine from other States, notwithstanding it may come in the original package.

Mr. HASKINS. But without any Federal law a State has the right to make a law regulating the manufacture and sale of oleomargarine within its own borders?

Mr. SPRINGER. Yes; providing those laws do not amount to prohibition. And on this point, as I have not gone into the legal features here, I desire to say that I addressed the committee of the Senate on that subject at great length last session, and I have furnished the clerk of this committee with a number of copies of that argument, and I will be very glad if members of this committee will do me the honor to read my argument made upon that occasion. I did not desire to encumber this record with that statement, but it can be found in the Senate hearings.

Mr. HASKINS. If this bill should become a law, and if its tendency would be to repress the sale of oleomargarine, and it will also injuriously affect the stockman or cattle raiser, then the poor workingman or consumer of lard, beef, etc., would get the benefit of it, would he not?

Mr. SPRINGER. I do not understand that. Will you explain it?  
(The stenographer repeated the question.)

Mr. HASKINS. That is, to bring the material cheaper to the consumer.

Mr. SPRINGER. By compelling him to use bacon and pork instead of butter?

Mr. HASKINS. No.

Mr. SPRINGER. I do not understand it. If you could not manufacture it into butter he would be obliged to take the necessary fats from the cheaper substances.

Mr. HASKINS. In other words, if you could not sell it to the oleomargarine manufacturer then that would create a larger supply for the consumer of the raw material?

Mr. SPRINGER. Yes; if he could consume the raw materials in their unmanufactured condition.

Mr. HASKINS. And therefore make it cheaper to the laboring man?

Mr. SPRINGER. But you said a little while ago you did not want the American people to have a cheap stuff. You are willing that they shall have butter, if they can pay for it, and why not oleomargarine, also? You ought to permit them to use that if they desire to do so.

Adjourned.

## STATEMENT OF HON. W. M. SPRINGER (continued).

Mr. SPRINGER. Mr. Chairman, I would like to make some additional remarks in regard to prices of butter. That was a matter which was undecided at the adjournment yesterday and there was some difference of opinion on the subject. I went over to the Congressional Library this morning and obtained a copy of the Statistician and Economist for 1899 and 1900, and on page 190 I found a statement of the prices of butter for a number of years back to the present time. The average prices of the home market were given, but it was not stated whether it was the Chicago or the New York market, but it simply gave "the home market" prices. The average prices for standard butter in the United States were given. I made a memorandum from that book, from page 190, of the average prices of butter for each year from the year 1875 to 1898. That was as far as that book contained the prices. I desire to submit them to the committee and let them be put in the record. In 1875, for instance, the average was 23.7 cents per pound. In 1876 the price was 23.9 cents per pound; in 1877 20.6 cents per pound; in 1878 18 cents per pound. On January 1, 1879, specie payments were resumed and during that year the price was 14 cents per pound. After this time (January 1, 1879) prices will be on the gold basis. In 1880 the price was 13½ cents per pound; in 1881 19.8 cents per pound; in 1882 19.3 cents per pound; in 1883 18.6 cents per pound; in 1884 18.2 cents per pound; in 1885 16.8 cents per pound; in 1886 15.6 cents per pound.

The CHAIRMAN. That was the year of the original oleomargarine bill?

Mr. SPRINGER. It was passed that same year. The production of oleomargarine at that time was less than 30,000,000 pounds per annum. In 1887 the price was 15.8 cents per pound; in 1888, 18.3 cents per pound; in 1889, 16.5 cents per pound; in 1890, 14.1 cents per pound; in 1891, 14.4 cents per pound; in 1892, 16.3 cents per pound; in 1893, 19 cents per pound; in 1894, 17.6 cents per pound; in 1895, 16.4 cents per pound; in 1896, 15.2 cents per pound; in 1897, 14.3 cents per pound; 1898, 15 cents per pound. Now I will have to take another book.

Mr. DAHLE. That is as far as you have it?

Mr. SPRINGER. That is as far as that book gives it. Now I have the "Yearbook of the Department of Agriculture for 1900," and on pages 1826 and 1827 there is a statement of the wholesale prices of butterine per pound in the leading cities of the United States from 1896 to 1900.

I will give a brief summary of it, because it is given by months and not an average for the different years.

In January, 1896, the lowest price in the month was 17 cents a pound and the highest price 24 cents per pound; for the month of June, 1896, the lowest price was 13 cents and the highest 15 cents a pound; for December, 1896, the lowest was 18 cents and the highest 23 cents per pound. For 1897 the lowest, for January, was 17 cents per pound, and the highest was 21 cents per pound; for June the lowest was 12½ cents per pound and the highest was 16 cents per pound; for December the lowest price was 18 cents per pound and the highest was 23 cents per pound. Take the year 1898, which comes next, and the lowest price in January was 16 cents and the highest 21 cents per pound; in June the lowest price was 14½ cents and the high-



est 16 cents per pound; in December the lowest price was 16 cents and the highest 23 cents per pound. For 1899, in January, the lowest price was 14 cents and the highest 21½ cents per pound; in June the lowest was 16 and the highest 18 cents per pound; for December the lowest was 21 and the highest 27 cents per pound. In 1900, in January, the lowest was 22 and the highest 29 cents per pound; in June the lowest was 16½ and the highest 19½ cents per pound; in December the lowest was 20 and the highest 24 cents per pound. The average price would be 22 cents for that month. That was December a year ago. That brings us down to the end of the year 1900, the last report in this book. These are the wholesale prices at Chicago.

I have now the Journal of Commerce, of New York, for Saturday, January 11, which shows the prices of last Friday in New York City. The prices are given here as highest and lowest also. Creamery butter, first, lowest 21½ cents, highest 23 cents; creamery, extra, 24 cents to—no other price being given. That is supposed to be the price at this time—21½ cents lowest and 23 cents highest price for creamery, which was the kind quoted in the Chicago market. The average price for that day was 22.25. It also gives renovated butter, 18½ to 7 cents. Packing stock 13 to 14½ cents. There are three items of what is called imitation butter quoted here. Western imitation creamery, fancy, 18 to 18½; firsts, 16 to 17; Western imitation creamery, lower grade, 14 to 15½. Those are the prices current for to-day.

The CHAIRMAN. Those prices do not show the competition; they show the variation in the different parts of the year.

Mr. SPRINGER. This concludes what I desire to say in reference to the prices of butter. Since specie payments were resumed, January 1, 1879, and prices settled down on a gold basis, the price of butter has increased from 14 cents a pound to 22.25 cents per pound on January 10, 1902.

If the committee please, I want to call attention to a fact which I think is very important in this connection.

Mr. DAHLE. Are you done with that?

Mr. SPRINGER. Yes, with this part.

Mr. DAHLE. Then I would like to ask a question as to what kind of butter you have reference to in these statements along in 1885 to 1890. What kind of butter is that, do you suppose?

Mr. SPRINGER. I have read the kind of butter.

Mr. DAHLE. What kind of butter do you suppose you are figuring on in the tables you present? What kind of butter do you suppose they are based on?

Mr. SPRINGER. All I can tell is that I took these figures from a book called the Statistician and Economist, on page 190, in which it is simply stated that the average price of butter in the United States, home market, for the years indicated below was so and so. I do not know what it means, except that it is the average price in the United States. I suppose the average prices of standard creamery are given. They are a little lower than for the same years given here in Chicago, if you will average them. I simply gave the highest and lowest for six months, and I did not give the average for the whole year.

Mr. HAUGEN. Is that the yearbook from which you have quoted?

Mr. SPRINGER. That is the Agricultural Yearbook, and the other book was the Economist and Statistician. I want to call your attention to another fact I got out of the Statistician and Economist, where

the statistics are only brought down to the year 1898. I want to call your attention to the decline in other agricultural products between 1875 and 1898, as given in this Economist, and these are the average prices for the year for each of these years in the United States. Beef, salted, 1875, 8.7 cents per pound, declined to 5.7; cheese, 13.5, declined to 8.6.

Mr. SCOTT. Excuse me, Judge. What date have you in mind for the decline in prices.

Mr. SPRINGER. 1898. Corn per bushel, 1895, 85 cents, declined to 36 cents in 1898. Cotton, 15 cents in 1875, declined to 5.9 cents in 1898. Eggs per dozen, 25.6 cents in 1875, declined to 16.3 in 1898. Lard, 13.8 cents in 1875, declined to 5.6. Pork, pickled, price in 1875, 7.1 cents, declined to 5.6 cents. Wheat per bushel in 1875, \$1.12, declined in 1898 to 98 cents.

I can not give you the statistics of the decline since 1898 because they are not in this book. That will show a general decline from 1875 to 1898 in all the leading agricultural products of the country, some of which are great declines, as in the case of salted beef, from 8.7 cents per pound to 5.5 cents per pound, and cotton from 15 cents to 5.9 cents per pound, and lard 13.8 cents to 5.6 cents per pound, showing that if there had been a severe decline in butter it would simply be running *pari passu* with the decline in other agricultural products; but butter has increased in price from 1879, when it was 14 cents, to 22.25 cents per pound at this time. The manufacture of oleomargarine has not injuriously affected the price of butter.

Mr. HASKINS. Here is the price of cotton in this yearbook.

Mr. SPRINGER. Yes, I could have given that.

The CHAIRMAN. What was the average of cotton in 1898, Mr. Haskins?

Mr. HASKINS. In 1898, 5.7, and in 1891, 7.3 cents; in 1899, 7 cents; in 1894, 4.6 cents. It fluctuated.

Mr. SPRINGER. So much for the prices. I asked permission yesterday to insert some extracts from a little book I had in my hand, and I have written these out; and as I deem them of importance I have thought it better that I should read them to the committee. This book is by Mr. H. W. Conn, who is a professor of biology in the Wesleyan University, Middletown, Conn.

#### BACTERIA IN MILK AND BUTTER.

I call attention of the committee to the fact that there is no food product which requires greater care in its production than does butter. If the Government is going into the business of securing pure food for the consumers of the country, I would suggest the most rigid supervision of the creameries of the country in the manufacture of butter. I hold in my hand a little book written by Prof. H. W. Conn, of the Wesleyan University, of Connecticut, and published by D. Appleton & Co., of New York, entitled, "The Story of Germ Life." On page 66 there is a chapter on the "Relation of bacteria to the dairy industry." The author says that modern dairying, apart from the matter of keeping the cow, consists largely in trying to prevent bacteria from growing in milk or in stimulating their growth in cream; butter, and cheese. He explains that the milk at the time it is secreted from the udder of the healthy cow contains no bacteria, and that if bacteria are

not present milk will remain sweet indefinitely. But that it is impossible to draw milk from the cow in such a manner that it will be free from bacteria except by the use of precautions absolutely impossible in ordinary dairying. He then explains the various means by which the milk becomes impregnated with bacteria and shows the enormous number which are produced. He says, on pages 69 and 70:

"The milk thus gets filled with bacteria, and since it furnishes an excellent food these bacteria begin at once to grow. The milk, when drawn, is warm and at a temperature which especially stimulates bacteria growth. They multiply with great rapidity, and in the course of a few hours increase perhaps a thousandfold. The numbers which may be found after twenty-four hours are sometimes inconceivable; market milk may contain as many as 500,000,000 per cubic inch; and while this is a decidedly extreme number, milk that is a day old will almost always contain many millions in each cubic inch, the number depending upon the age of the milk and its temperature. During this growth the bacteria have, of course, not been without their effect. Recognizing as we do that bacteria are agents for chemical change, we are prepared to see the milk undergoing some modifications during this rapid multiplication of bacteria. The changes which these bacteria produce in the milk and its products are numerous, and decidedly affect its value. They are both advantageous and disadvantageous to the dairyman. They are nuisances so far as concerns the milk producer, but allies of the butter and cheese maker."

The author then explains the process of cream ripening as follows:

"*Cream ripening.*—Passing from milk to butter, we find a somewhat different story, inasmuch as here bacteria are direct allies to the dairyman rather than his enemies. Without being aware of it, butter makers have for years been making use of bacteria in their butter making, and have been profiting by the products which the bacteria have furnished them. Cream, as it is obtained from milk, will always contain bacteria in large quantity, and these bacteria will grow as readily in the cream as they will in the milk."

He explains the subject of this ripening process as follows, on pages 76 and 77, thus:

"The object of the ripening of cream is to render it in a better condition for butter making. The butter maker has learned by long experience that ripened cream churns more rapidly than sweet cream, and that he obtains a larger yield of butter therefrom. The great object of the ripening, however, is to develop in the butter the peculiar flavor and aroma which is characteristic of the highest product. Sweet-cream butter lacks flavor and aroma, having indeed a taste almost identically the same as cream. Butter, however, that is made from ripened cream has a peculiar delicate flavor and aroma which is well known to lovers of butter, and which is developed during the ripening process."

So necessary are bacteria in the making of butter, that artificial bacteria cultures are being resorted to in this country and in Europe, which the author explains as follows, on pages 82 and 83:

"Bacteriologists have been for some time endeavoring to aid butter makers in this direction by furnishing them with the bacteria needful for the best results in cream ripening. The method of doing this is extremely simple in principle, but proves to be somewhat difficult in practice. It is only necessary to obtain the species of bacteria that produce the highest results, and then to furnish these in pure culture and in large quantity to the butter makers to enable them to inoculate their cream with the species of bacteria which will produce the results that they desire. For this purpose bacteriologists have been for several years searching for the proper species of bacteria to produce the best results, and there have been put upon the market for sale several distinct pure cultures for this purpose. These have been obtained by different bacteriologists and dairymen in the northern European countries, and also in the United States. These pure cultures are furnished to the dairymen in various forms, but they always consist of great quantities of certain kinds of bacteria which experience has found to be advantageous for the purpose of cream ripening."

These extracts from this book are cited for the purpose of showing that the making of butter requires the greatest amount of care and

skill in order to eliminate from the product disease-bearing germs. Who can tell how many diseases and even epidemics have been caused by disease-bearing germs in butter? The most rigid inspection should be made in order to prevent, as far as possible, the presence of disease-bearing germs in butter. Our dairy friends do not seem to think it necessary that any inspection or Government supervision is necessary in order to secure and insure purity in their product; but they are extremely anxious in reference to the manufacture of oleomargarine lest disease should be communicated through its use. While they are endeavoring to extract the mote in their brother's eye, why may they not consider at the same time the beams in their own eyes?

Mr. DAHLE. I would like to have you explain the difference, or the different kinds of materials that the milk may take unto itself from the cow or the dairy or the creamery—of the dangerous material, if any.

Mr. SPRINGER. The ordinary bacteria are not dangerous, but promotive of health, and without them the human organism could not exist. That is the opinion of scientists. But with these friendly germs are frequently communicated disease-bearing germs, pathogenic germs, as they are called; and wherever the pathogenic germs are present by reason of disease existing in the cattle, or from any means communicated, those disease germs are just as apt to get in as a part of the bacteria coming into the milk and cream as are the germs that are friendly and are allies of the makers of butter.

Mr. DAHLE. What special disease, for instance, would you think would be carried to the human family by such?

Mr. SPRINGER. It has been shown that the germs which will produce diphtheria, typhoid fever, and tuberculosis are found in milk, cream, and butter.

Mr. DAHLE. Those germs are carried not from the milk, but from the outside.

Mr. SPRINGER. They come in from drinking water, from impurities in barnyards, and from a variety of sources.

Mr. DAHLE. Not from the cow.

Mr. SPRINGER. Not from the milk as it is in the udder.

Mr. DAHLE. But from outside?

Mr. SPRINGER. From contamination afterwards. They come very often from polluted water, which is the principal source of the communication of disease germs.

Mr. DAHLE. In what way can cleanliness be carried on?

Mr. SPRINGER. By requiring the use of pure water, and by requiring perfect cleanliness in the creameries so that no impurities can be present in the places where butter is made.

Mr. DAHLE. It can be detected and found out, can it, as, for instance, whether these germs are present where the milk is drawn from the cow and handled from the farmer to the creamery?

Mr. SPRINGER. Perhaps only approximately; but the more cleanliness that is observed the more apt you are to eliminate these disease-bearing germs.

Mr. DAHLE. But these disease-bearing germs, the water itself, as I understand, is the principal element that you can not eliminate the bacteria from?

Mr. SPRINGER. Oh, yes, you can.

Mr. DAHLE. Is there not danger in the water?

Mr. SPRINGER. Yes; but the water can be so filtrated as not to have the germs in it.

Mr. DAHLE. Is there no other principal agent we can use to cause cleanliness besides water?

Mr. SPRINGER. A great many of these germs are perhaps in the air itself, and others may come from manures or filthy places about the building and from the clothing of the persons who handle the product. This book points out how the bacteria infest the very hairs upon the cows and that they frequently drop into the milk, and before the milk gets away from the cow it is impregnated with millions of bacteria. If the cow was in a place where disease-bearing germs were present, these would have been deposited also in the milk.

Mr. DAHLE. Do I understand you that we have to have bacteria in the production of these two kinds of butter—that we have to have it?

Mr. SPRINGER. I understand so.

Mr. DAHLE. In bread, for instance, we have to have these bacteria?

Mr. SPRINGER. I do not know that it is necessary in bread; that is another subject. The necessity for bacteria in the making of butter is that it produces that condition that is called ripening, which is a kind of fermentation, which causes the cream to be placed in a condition in which the butter is easily separated from it.

Mr. DAHLE. What is fermentation?

Mr. SPRINGER. It is the condition produced by reason of the presence of bacteria—

Mr. DAHLE. Then do not we have to have it in bread?

Mr. SPRINGER. Yes; in what we call yeast. The same principle is involved there. But in baking the bread the bacteria are destroyed and the bread is wholesome.

Mr. DAHLE. For instance, is buttermilk?

Mr. SPRINGER. Buttermilk contains bacteria.

Mr. DAHLE. Do you in any way consider this deleterious, or do you consider it a healthful and wholesome food?

Mr. SPRINGER. Butter?

Mr. DAHLE. Buttermilk and butter filled with bacteria.

Mr. SPRINGER. I consider butter, when properly made and properly relieved from the presence of disease-bearing germs, to be healthful food, and so with buttermilk and milk; but either one of the three, if it becomes impregnated with the disease-bearing germs, would produce disastrous results.

Mr. DAHLE. But we do not see any of these products without inoculation of bacteria.

Mr. SPRINGER. In those three there would necessarily be the presence of bacteria, according to this book, and according to scientists generally, and hence the necessity for that degree of inspection among the creameries of the country which will eliminate as far as possible, in the production of this universal article of consumption, those disease-bearing germs which are dangerous to the health of a community.

Dr. Kober called your attention to a number of cases of diphtheria which had originated in the city of Washington, which he had investigated himself, caused by the bacteria in milk, and he traced that to various causes which are explained in his statement, and I believe he has left with the committee a detailed statement of each of his investigations, showing the probable source from which all of these epidemics were traced.

Mr. DAHLE. Would it not be equally necessary for this cleanliness to be exercised as to oleomargarine?

Mr. SPRINGER. The same cleanliness should be observed in the one case as in the other. But, there is not so much danger in the manufacture of oleomargarine, because all of the products, as explained by Mr. Larsen, before they are put into the finished products, are sterilized at 167 degrees, Fahrenheit, which temperature will destroy all germs, including the germs that may be in the milk itself.

Mr. DAHLE. Is the butter itself sterilized?

Mr. SPRINGER. The butter used in the manufacture of oleomargarine is, according to his statement.

Mr. DAHLE. Is it, according to your statement?

Mr. SPRINGER. He knows, and I do not. I never have made it a study myself; I take the statement of scientists and those engaged in the manufacture; I do not know what it is myself. When you go out to the butterine factory to-morrow, as I hope you will, you can then ask and see for yourself all of these details in the manufacture of oleomargarine.

Mr. MOODY. I want to ask a question for information and it is this: Cows have tuberculosis, do they not?

Mr. SPRINGER. Yes, I believe so; that is one of the diseases of cattle.

Mr. MOODY. Will the tuberculosis germs pass through and into the milk?

Mr. SPRINGER. Not being a scientist, I could not say positively, but I would say that a diseased cow would communicate disease-bearing germs to her milk. If she has tuberculosis the milk would be impregnated with the germs of tuberculosis, because those germs would permeate the whole system of the animal.

Mr. HENRY. On that point, in my State for several years cows have been experimented on that were condemned by our State board, and they have demonstrated there that a cow may be affected with tuberculosis and unless the udder is affected she can not transmit it. They have shown it for several years. Cows that have been condemned and subsequently have been found to have been affected with tuberculosis, but unless the udder was affected that there were no signs of tuberculosis in the milk given by such cows.

Mr. SPRINGER. I understand that the matter is not entirely settled as a scientific problem. In Illinois we have an inspection board for cattle, and when they are found to contain any of these contagious diseases they are slaughtered.

Mr. HENRY. They do that in Connecticut, and we spent \$400,000 one year for cows that were slaughtered for this reason.

Mr. SCOTT. I think there is no question but what cows having tuberculosis may have their milk infected, but it is a question whether such infected milk will produce tuberculosis in the human species. A French scientist after long experiments reached the conclusion and announced it recently that it was impossible to infect the human species with tuberculosis by means of diseased milk. But that conclusion has been denied by another scientist, who has said that he has infected a human subject with tuberculosis through diseased milk. So the question is one which has not been settled.

Mr. SPRINGER. I may say in this connection that the science of bac-

teriology is a comparatively modern one, and the most that has been learned of practical utility has been learned in the last ten years. The subject is still one of continued investigation by the great scientists of the world, and I look for the most salutary results from the continued investigation of this important branch of science in connection with food products especially, but it is still an unsettled question as to whether tuberculosis can be communicated to the human system by the use of the milk of the cow.

Mr. DAHLE. In whose interests particularly are you working when you speak of the examination as to cleanliness in creameries and as to the milk? Is that in the interest of your constituents or is that in the interests of our constituents? I, as one, for instance, thank you for the idea suggested that we do have to contend with such a thing as carelessness by farmers, and we are only glad to have you work, as I would suppose, to help us along. Is that what you are doing or is this rather for oleomargarine that you are talking along that line?

Mr. SPRINGER. As a consumer of butter, and as a citizen of the United States, I think I have the right to come before this committee and ask you to protect me and my family in the consumption of an article of everyday use, and which comes to every family in the land; and in speaking of this I think I am doing a public service and it ought to commend itself, in my opinion, to your judgment, and I hope that while you are looking after those who are engaged in the manufacture of oleomargarine with the most scrupulous industry and energy, that you will give a brief portion of your time to considering the improvement that may be made and the investigations that might be instituted in behalf of those who consume butter, so that a government that is going into the business of giving us pure food should not make one product the object of all its energies but should save a little of its forces for the purpose of giving us pure food in other directions.

Mr. HASKINS. There will be a beginning somewhere.

Mr. MOODY. You are just as much interested in Mr. Dahle keeping his dairy clean as in the oleomargarine factory being kept clean?

Mr. SPRINGER. Yes; and I have no doubt if you will go to Mr. Dahle's dairy you will find it scrupulously clean at all hours of the day and night.

Mr. DAHLE. It is, sir. And competition is so sharp that the creamery man who is not careful as to the receipts of his milk and as to handling it after he does receive it, he can not expect to compete with those who are careful in that respect.

Mr. SPRINGER. Then you will agree with me, Mr. Dahle, that there ought to be a similar care observed in all the other dairies of the country in order to secure healthful food for the people?

Mr. DAHLE. Most certainly I do.

Mr. SPRINGER. Then we are agreed on that proposition. I hope if there is an amendment to that effect offered to the bill that you will not oppose it.

Mr. DAHLE. Do you mean would I object to such an amendment?

Mr. SPRINGER. Yes.

Mr. DAHLE. No, sir; I would second the motion.

The CHAIRMAN. Would you object to inserting in the bill a clause providing against the coloring of butter?

Mr. DAHLE. Yes, sir; you know that butter during a large portion

of the season is colored very highly and at all times of the year is colored somewhat; so as to get it even we must color it part of the time at any rate, and I would not want to second that motion.

**Mr. SPRINGER.** Mr. John D. Rockefeller has founded an institution in New York for investigation into the causes and prevention of diseases, and the study and furtherance of public hygiene. The directors are the most eminent scientists in the United States, and they decided that the milk question was of first importance. They have just submitted a report on the subject, which is published in the New York Journal of Sunday, the 19th instant, from which the following extract is taken:

The lay reader may be shocked to think that the presence of only hundreds of bacteria should be considered satisfactory. Milk is the only article of food in which nearly all bacteria grow rapidly, and in it they multiply at favorable temperature, i. e., about blood heat, in an almost incredible manner. From a single germ as many as 200 may be produced in three hours, 10,000 in six hours, 10,000,000 in nine hours, and 2,000,000,000 in eighteen hours.

It is the growth of the bacteria which causes milk to sour and produce in it the bad taste and odors so often noticed.

The number of bacteria which may be found in milk is almost beyond belief. This is directly proportionate to the age of the milk, the amount of dirt and filth which it contains, and the height of the temperature at which it has been kept.

Milk from carefully groomed cows in clean stables, when taken under the best precautions now possible, cooled immediately to below 40° F. and kept at that temperature during transportation by proper icing and sent by express trains to the city, although handled with every precaution against contamination, contains when it reaches the consumer from 10,000 to 100,000 bacteria in each teaspoonful. This for the best milk.

Now, what of the worst milk? During last summer the milk sold in the groceries of the tenement districts contained, as shown by the examination made by the bacteriologist, from 4,000,000 to 600,000,000 in each teaspoonful, and just such milk as this we fed last summer to many infants in New York.

According to a recent medical report of 330 outbreaks of epidemic disease traced to milk, 195 were epidemics of typhoid fever, in 147 of which the disease prevailed at the dairy or farm; in 67 it was due to contamination of well water; in 24 employees at the farm were acting as nurses, and in 10 they were working while still sick.

There were 99 epidemics of scarlet fever, in 68 of which the source of infection was traced to the illness of persons at the dairy; in 17 the employees themselves were suffering from scarlet fever, and in 10 they were acting as nurses to scarlet-fever patients.

Most of this harm results because the men who are handling the milk are entirely ignorant of the manner in which milk becomes infected, and consequently fail to take the simple precautions which would be quite sufficient to prevent such a calamity.

The great summer mortality of infants in large cities like New York is well known. In 1900 not less than 6,055 deaths occurred from diarrheal diseases in children under five years.

Of course there were other contributing causes besides impure milk, but the health department estimates that fully one-half of this number of deaths were directly traceable to the character of the milk used as food.

These extracts will serve to show the necessity for thorough cleanliness and observance of hygienic rules in the preservation of milk and in the making of butter.

**Mr. POWELL.** Mr. Chairman, Mr. Larsen was asked the other day to furnish a statement to the committee in regard to a portion of his testimony, and it has been handed to me. I will read it:

LANGDON, D. C., *January 17, 1902.*

GENTLEMEN: As per request of your honorable committee as to the quantity of uncolored oleomargarine which has been manufactured by the Standard Butterine Company, we beg to report that during the three months of our existence we



have churned over 2,000,000 pounds of our product, and of this amount only one churning (about 3,000 pounds) has been uncolored. One-half of this latter amount was returned by the party to whom it had been delivered on account of its being unsaleable.

Very truly, yours,

STANDARD BUTTERINE COMPANY.  
THOMAS I. DONNELLY, *Secretary*.

The COMMITTEE ON AGRICULTURE, *House of Representatives*.

This was the statement Mr. Larsen made to me:

LANGDON, D. C., *January 15, 1902.*

DEAR SIR: After making my statement to-day I believe to have stated that one-half of our output was uncolored. If that is the case it is a great misrepresentation. I must have had my thoughts directed on Denmark, where they call butterine uncolored; still there is a small per cent of butter color in. I meant to say that one-half of our output was a light color and one-half a high color, like butter is colored.

I hope that you will be able to rectify same to-morrow, when, as I understand, you are going before the committee.

I remain, very truly, yours,

A. LARSEN.

Mr. L. L. POWELL.

After informal proceedings, in which it was resolved by the committee to visit the Standard Butterine Factory to-morrow (Saturday) morning, the committee, at 11.30 o'clock, adjourned.

MONDAY, *January 20, 1902.*

The committee met at 10.15 o'clock a. m., Hon. E. S. Henry in the chair.

Mr. HENRY. What is your pleasure this morning, Mr. Adams? We are at your service.

Mr. ADAMS. I thought very likely that some of the gentlemen would be here, and I wished to address the committee briefly, if it is your pleasure.

Mr. HENRY. If you are ready we will hear you now.

#### STATEMENT OF MR. H. C. ADAMS,

*Dairy and Food Commissioner of Wisconsin.*

Mr. ADAMS. Mr. Chairman and gentlemen, I hardly think it is necessary to enter upon any very extended or elaborate argument with reference to the various measures pending before this committee regulating the tax or changing the tax upon oleomargarine. I think it is proper, however, for me to make something in the nature of a personal explanation at the outset.

At the last session of Congress I appeared before the committee in behalf of the Grout bill. At the first meeting the discussion was opened by Governor Hoard, and I followed. There was no stenographer present at that meeting. My remarks on that occasion were misunderstood. I do not for a moment wish to state or have the committee think I have any impression that they would deliberately misstate, by no means. I was here at that time representing largely, as I believe, and as I know, the dairy sentiment of my State upon that subject. I was also here representing a department for my State which is charged with the enforcement of the various food laws. I said on that occasion that there was no use in beating the devil about the stump, and our purpose in coming to Congress with this bill providing for the

10 cents tax on butterine was to practically prohibit the business of manufacturing oleomargarine colored in imitation of butter. Some gentlemen on the committee misunderstood that. They understood me to say that it was our deliberate purpose to crush this business of manufacturing oleomargarine.

I want to say to you, gentlemen, that any representative of the dairy interests, or of any other interests, that takes this position here, or anywhere else, is occupying an absolutely indefensible position, in my judgment, and no intelligent representative or fair-minded representative of that interest can afford to take any such position. So far as I was concerned, it was my fortune to be the chairman of the committee on legislation appointed by the State dairymen's association of my State, authorized and directed to draw up a bill regulating the sale of oleomargarine in that State. I performed that work. It was urged upon me at that time that we should draw a bill absolutely prohibiting the manufacture and sale of oleomargarine—a law similar to that which was then in force in the State of Pennsylvania. I declined to do it and said that if I was a member of the legislature of the State of Wisconsin and any such measure came before that body I should oppose it, and, further, that any law of that character upon the statute books of any State, going to the Supreme Court of the United States, would be turned down as unconstitutional, because it would be an improper exercise of the police powers of a State.

I have no prejudice against oleomargarine, none whatever. I am not here to discuss the healthfulness of that product. A gentleman appeared on the other side the other day and made an elaborate address in which there was a large array of authorities cited to prove two things. One was that oleomargarine was more wholesome than butter, and the other was to show that butter and cream and milk very often are mediums which communicate disease to the human race. Now, gentlemen, nobody denies that any article of food may be a medium for the communication of disease to the human race. Water is an essential beverage, but very often it communicates typhoid fever or yellow fever. But we can not get along without water. It is perfectly idle to argue before this committee, or any other committee, that because those things are true that therefore the conclusion follows that oleomargarine should not be taxed. It is not pertinent to the discussion before this committee that we should prove that oleomargarine is unwholesome. It is not a question of the public health; it is a question of honesty in trade.

All that I claim, representing my own judgment, and, so far as I know, the judgment of the people associated with me in my State, is that oleomargarine is less wholesome, less digestible than butter. We do not claim that it is unwholesome. And I, for one, do not claim that this Congress should pass a prohibitory tax upon oleomargarine when it is made in its own color and sold for what it is.

Now, I come here representing not only those interests, but also an organization which met at Buffalo, known as the National Association of Dairy and Food Commissioners. That organization appointed a committee on legislation. That committee met in Washington last week and passed this resolution:

Resolved by the members of the committee on legislation, appointed by the National Association of Dairy and Food Commissioners, at Buffalo, October 17, 1901 that it is the judgment of the dairy and food commissioners of the United States that

the manufacture and sale of oleomargarine colored in imitation of butter is against public policy; that it is a business permeated with fraud; that it is impossible, under State laws, to stop the fraudulent sale of this counterfeit; that we regard this question not as one of dietetics, but of honesty in trade, and we hereby authorize H. C. Adams, of Wisconsin, to appear before Congress on our behalf and urge upon that body the necessity and propriety of enacting a law which shall provide for a tax of 10 cents per pound on oleomargarine colored like yellow butter.

ALFRED H. JONES,  
*Illinois State Food Commission, Illinois.*  
JOHN HAMILTON,  
*Secretary of Agriculture for Pennsylvania.*  
R. M. ALLEN,  
*In Charge Kentucky Food Control.*

Mr. DAHLE. When was that dated?

Mr. ADAMS. This resolution was passed last week at a meeting of this committee in the Ebbitt House here. The national association met at Buffalo in October. As I said before, we have no prejudices against oleomargarine as such and under its own color. We come here to Congress and ask for what we regard as substantially a prohibitory tax upon the colored article, and we do that because we find in the administration of laws in the various States that when oleomargarine comes into the markets under the color of butter, so that the average person can not by sight determine what it is, that he buys that which he does not call for and which he does not want. That question has gone to the courts—whether the State could do that. Thirty-two States have said that no colored oleomargarine shall be sold—that is, oleomargarine colored in imitation of butter. And the question as to the constitutionality of those laws has gone up to the supreme court of New York, has gone up to the supreme court of Missouri, has gone up to the supreme court of Minnesota, has gone up to the supreme court of Massachusetts, and from Massachusetts has gone up to the Supreme Court of the United States, and here is the basis of this legislation, as announced in that Supreme Court decision in the Plumbley case; that it is a proper exercise of police power of the State, for the purpose of preventing fraud, to prohibit the manufacture of any food product which shall be so complete a counterfeit of some other and more valuable product that the average purchaser is likely to be deceived when he buys it.

Now, our friends upon the other side came here with what is known as the Wadsworth bill. The purpose of that bill was to have oleomargarine sold in original packages and stamped in such a way that the stamps would not be removed, that it should be put into the packages themselves, and they said, "Why is that not fair? How would it be possible for any retailer to sell a package so stamped and deceive the man who buys it?" The answer to that is this: That oleomargarine when it is finally sold to the consumer, the man who eats it, is usually sold from some lunch counter, from some boarding house, from some hotel, from some restaurant, to the man or woman who asks for butter and wants butter. Our friends on the other side may argue about the desirability of oleomargarine as long as this Congress lasts, and yet they know, and you know, and we all know, that not one man or woman in 1,000, or one in 10,000 for that matter, ever goes into a restaurant or hotel or place of that kind and calls for oleomargarine. They don't want it. And those people have no business to put it on their tables in response to a call for a butter, whether it is more or less wholesome, because it is not the thing that is wanted.

And I want to impress it upon this committee, although perhaps it is not necessary, that the only thing we urge to-day in this is not to stop the sale of oleomargarine, but to stop fraud that is practiced in the manufacture and sale of some oleomargarine.

I appeared before the Senate committee last winter. They had hearings upon this subject for eight days. I heard the statement repeatedly made there by representatives of the manufacturing interests that oleomargarine was not manufactured uncolored in this country. I heard the additional statement made that if it were manufactured that it could not be sold. At the same time I had here in the Capitol six samples of oleomargarine purchased in the Wisconsin market, and three of those six samples—in fact four, if I recollect correctly—were absolutely uncolored; two of them were only slightly colored. They were bought of retailers in my State and sold, as it has been sold for months and months, to people who wanted oleomargarine and were willing to pay an oleomargarine price for it:

Judge Springer made an argument here the other day which applied directly against his position taken upon this question, as I understand it—made in the utmost good faith. He said that in Denmark, a little country having only about 15,000 square miles and two millions and a half people, they consume as much butter as we do per capita and very much more oleomargarine. Therefore, he says, if you remove the restrictions on the sale of oleomargarine in the United States you will build up the oleomargarine business and will not tear down the butter business.

Along with that goes the statements of our friends upon the other side that when we stop the coloring of oleomargarine we are going to ruin the business in this country. What are the facts over in Denmark. In the first place, there are some government restrictions and, in the second place, the oleomargarine in Denmark, where they consume three or four times as much per capita as they do in this country, is sold uncolored in almost every instance. If they can sell three or four times as much oleomargarine uncolored in that little country of Denmark per capita as they do in this country, are we going to crush the industry here in the United States by taking the color out of it? The dairy farmers of Denmark are very economical; they are very thrifty; the farmers of Europe are more saving than are American farmers, there is no question about that; and that little country of Denmark last year exported 133,000,000 pounds of butter. The whole State of Wisconsin, with three times the territory and nearly the same population, only produced 80,000,000 pounds of butter.

Now, the export was enormous for two reasons. One is because those farmers are willing to buy uncolored oleomargarine at oleomargarine prices, in order that they may ship their more valuable and costly product to the English and Continental markets; that is all there is of it. I want to say to you, gentlemen, that there are two classes of people who will be surprised if one of these bills is enacted into law. One class is the manufacturer of oleomargarine and the other is the dairyman. I want to tell you that if you pass this 10 cents tax bill and the manufacturers of oleomargarine are compelled to sell it under its color and for what it is, it will then be sold at an oleomargarine price. The average price of oleomargarine will be cut down in this country all the way from 10 to 15, 20, or even 30 per cent. People will buy it for exactly what it is—a cheap substitute for butter. It

will go upon the market without any restrictions of State or national law, and the oleomargarine manufacturers will be able to build up a very much larger trade in the legitimate production of that article than anybody imagines; and our dairy friends will be disappointed, as I am frank to concede, if they expect that the enactment of this law is going to crush out the oleomargarine interests, because it will do nothing of the kind. In my State we prohibit absolutely the sale of colored oleomargarine. We are not able to enforce the law in all cases; oleomargarine is shipped in there direct to the consumer by the Chicago manufacturers, and sold in the lumber camps to some extent in defiance of law.

MR. SMITH. Do you think that is what the dairy interests do expect and desire of this law—to crush out the oleomargarine business?

MR. ADAMS. No, sir.

MR. SMITH. You said they would be disappointed in that expectation, and upon what do you base that expectation?

MR. GROUT. He said "if they expected"—

MR. ADAMS. Yes.

MR. WILLIAMS. Do you agree with the governor of Wisconsin, who appeared before the committee the other day and stated that if this tax will not be sufficient to cripple the oleomargarine business that you will come back and ask for a higher one?

MR. ADAMS. The object of this bill is not to cripple the oleomargarine business; the object is to stop the manufacture of a counterfeit which has been palmed off upon the people for something they don't ask for and don't want.

MR. SMITH. I want to be clear as to your views. You say, as I have understood you, that the dairymen expect that the enactment of this law is going to crush out the oleomargarine business. I wish to understand if it is any part of the purpose of the dairy interests to crush this other business out?

MR. ADAMS. No; not for one instant. As I said before, it is simply to stop the sale of the colored article, and I do expect, as I say, that the oleomargarine people will build up a very large and substantial business in the sale of the uncolored article. I have here a few letters in response to some inquiries, which I sent to the retailers—

MR. SMITH. Before you enter upon that, Mr. Chairman, if it is agreeable to the committee and to you, Mr. Chairman, there is a thing that is in my mind that I would like to inquire about. Were you present when Judge Springer submitted the proposed law for the protection of the public against deception in buying oleomargarine; did you hear him submit his proposition?

MR. ADAMS. The branding law?

MR. SMITH. Yes, sir.

MR. ADAMS. Yes, sir.

MR. SMITH. Wherein does it fail to protect every interest? Can you tell us that?

MR. ADAMS. Simply in this way: That the great consumption of oleomargarine, as I stated a few moments ago, is in the cheaper boarding houses, hotels, restaurants, and lunch counters, and those people who keep those places buy it for what it is; but then they serve it to the people at their places, and the courts have construed that in such cases the proprietors of those hotels and eating houses and boarding houses, when they put an article on the table in response to a call for

an article by a guest or customer, make a sale in the meaning of the law. They are able to sell oleomargarine to their customers because of its resemblance to butter. I believe in 90 per cent of all the sales, even when it is so branded, the final consumer would be buying oleomargarine when he does not want it, and when he thinks he is buying and is paying for butter. That is the objection, in my mind, to branding it.

Mr. SMITH. In other words, such a law as proposed by Mr. Springer would mean every restaurant keeper and hotel keeper and eating house keeper would violate the law by selling oleomargarine for butter?

Mr. ADAMS. They will still be able to do so. Now, to show the gentlemen of this committee that uncolored oleomargarines can be sold in this country, I wish to submit several letters here. I think I have six letters, and they are very brief, in response to inquiries made by me to licensed dealers in Wisconsin, as to what they are selling.

(Mr. Adams here read one of the letters referred to and inserted hereinafter in the record.)

Mr. SMITH. Each one of those letters refers to the sales in his own store?

Mr. ADAMS. Yes; the sales out of his own store.

Mr. HAUGEN. How do you know that each of these dealers sells oleomargarine as oleomargarine; do you simply take his word for it?

Mr. ADAMS. My inspector visited each store, and they had samples of their oleomargarine. In a number of cases when their product has only been slightly colored, when an examination has been made showing a very small quantity of coloring matter, it has been returned.

Mr. HASKINS. Those you have just referred to are retail dealers?

Mr. ADAMS. Yes, retail dealers; and by the way, so far as I am concerned, I hope the gentlemen of this committee, or any other gentlemen in this room, will not hesitate to criticise me or ask any questions. All we want is to develop the truth of this matter; we have nothing to hide or avoid or conceal.

Mr. WILLIAMS. Has your State a law against selling colored oleomargarine?

Mr. ADAMS. Yes, sir.

Mr. WILLIAMS. Is that law executed?

Mr. ADAMS. Yes, sir; to an extent. We are not absolutely successful in the execution of it.

Mr. WILLIAMS. Are the penalties fully as great as they are in this proposed Grout bill?

Mr. ADAMS. The minimum penalty is \$50.

Mr. WILLIAMS. You say that, in your opinion, 90 per cent of the fraudulent sales—that is to say, the sales of oleomargarine for butter—are made in the way of hotel keepers and boarding housekeepers putting oleomargarine on the table as butter?

Mr. ADAMS. I say that is my judgment as to the percentage in the United States.

Mr. WILLIAMS. That is what I mean. Now, then, if there is such a high profit to the hotel people and boarding-house people who do that, paying the present price for colored oleomargarine and butterine, if this bill would result in a lower price for uncolored oleomargarine would not they, then, if they chose to violate the law, buy the uncolored and just color it in their own establishments and put it on the table?

Mr. ADAMS. That brings up a very pertinent and important question which was raised here in the discussion by Judge Springer the other day. The question is whether under the wording of these various bills the retailer who takes uncolored oleomargarine and colors it in imitation of butter is a manufacturer within the meaning of this act.

Mr. WILLIAMS. He undoubtedly is a consumer, but suppose you or I—

Mr. ADAMS. The hotel keeper is not a consumer; the hotel and the restaurant keeper are retailers.

Mr. WILLIAMS. But suppose you and I, say, in our homes, were to buy oleomargarine, and because we wanted to keep up our prestige with our neighbors put the same coloring matter into it we put in our butter that we make from our cows, if we have cows. Do you suppose any law in the world could stop that?

Mr. ADAMS. There is no reason legally or morally why it can or should be stopped.

Mr. WILLIAMS. One other question. When a restaurant keeper or hotel keeper puts a certain thing on the table, or in little plates about the table, does he, in any way in which a penalty of law could attach, say to the man who consumes it that it is butter or not?

Mr. ADAMS. Yes, and that has been passed upon by the courts in New York case. I am not able to cite it, but I could obtain that. It was determined in a hard-fought battle that a hotel keeper who places on the table for a guest, in response for a call for milk, skimmed milk, placed there by his servant when he was absolutely ignorant—

Mr. WILLIAMS. You have misunderstood my question.

Mr. ADAMS (continuing). When he was ignorant of the facts that that was a sale of milk. So when a guest calls for butter and the hotel keeper, either himself or through his agents, placed oleomargarine before the guest in response to that request that is a sale.

Mr. WILLIAMS. You have not gotten the gist of my question. There is no doubt about that fact that if you call for butter and the hotel keeper gives you oleomargarine he has committed an act of deception, for which he could be punished if there were a law to meet it; there is no doubt about that; but in 99 cases out of 100 you do not call for butter at all—

Mr. ADAMS. Yes, and in about 99 cases out of 100 where you go into a restaurant you find "butter" on the bill of fare and you do not find "oleomargarine."

Mr. WILLIAMS. Can you find the word "butter" generally on any bill of fare? As a matter of fact is it not generally furnished on the side and there is no order given for it? Did you ever write down "butter" when you were ordering your dinner in a restaurant?

Mr. ADAMS. No, but I have given the order verbally. I have called for bread and butter and had them bring in oleomargarine instead of butter, and I have asked them if it was butter and they have said "Yes, it is a sort of butter."

Mr. SMITH. Let me suggest this: Does a man ever order butter in a hotel or restaurant? Is it not true that you simply order bread and it is assumed that they are going to bring you butter and not oleomargarine? And let me suggest, further, that men have been held to be responsible for the price of accommodations in hotels without their saying one single word, but simply walking right in and sitting

down at the table and the food is brought to them; and in such cases the courts have held that their action implies that they have the price to pay for it and desire it.

Mr. WILLIAMS. That is very true. Now, do you think in the present condition of the American market, where oleomargarine is fraudulently sold as a substitute for butter—of course it is assumed that if a man sits down at a table and orders a meal he is going to pay for it—and you yourself say that there are 1,500 pounds, and something more, a week sold in the uncolored condition, with no pretense of its being butter at all, then there must be some people that want oleomargarine—

Mr. ADAMS. I do not deny it.

Mr. WILLIAMS. It can not be assumed that everybody wants butter, especially in a cheap restaurant where he gets his meal for, perhaps, 25 cents, and if he has any sense at all he knows that it is not butter he is getting—

Mr. ADAMS. I would like to ask the gentleman if he ever knew of a man calling for anything but butter in a restaurant?

Mr. DAHLE. I have called for butter nearly every day. I eat very little meat and a good deal of butter.

Mr. WILLIAMS. That is, when your supply gives out you call for more butter?

Mr. DAHLE. Yes, sir.

Mr. ALLEN. May I ask you a question?

Mr. ADAMS. Will you permit me to read these letters?

MILWAUKEE, December 30, 1901.

DEAR SIR: In compliance with your request I give below the average sales of uncolored oleomargarine as 1,500 pounds per month.

D. C. ADAMS.

H. C. ADAMS,  
Madison, Wis.

MILWAUKEE, WIS., December 28, 1901.

DEAR SIR: At your request I herewith present statement of about the amount of uncolored oleo sold by me—1,130 pounds—since January 1, 1901.

ED. McGRATH.

A. C. ADAMS.

MILWAUKEE, December 28, 1901.

DEAR SIR: Per your request, I wish to state I have sold since June about 5,000 pounds uncolored oleomargarine.

Respectfully, yours,

JOHN F. LINEHAN.

Mr. N. C. ADAMS, Pure Food Commissioner.

MILWAUKEE, WIS., December 30, 1901.

June 6 .....	\$400	
24 .....	400	
		\$800
July 9 .....	360	
27 .....	400	
		760



Aug. 6 .....	\$400	
22 .....	400	
		\$800
Sept. 2 .....	400	
10 .....	600	
24 .....	400	
		1,400
Oct. 6 .....	360	
14 .....	60	
30 .....	400	
		820
Nov. 4 .....	400	
16 .....	120	
		520
Total .....		5,100

The above is the amount of uncolored oleomargarine sold by me since June 1, 1901.

JOHN L. DALY.

RACINE, WIS., December 27, 1901.

SIR: Our uncolored butterine sales have averaged about 550 pounds per week since June 1 of this year.

Yours, truly,

HANLEY BROS. Co.

Mr. H. C. ADAMS.

RACINE, WIS., December 27, 1901.

DEAR SIR: We handle about 50 to 75 pounds uncolored oleo a week.

Yours, respectfully,

F. HARBRIDGE Co.

Mr. ADAMS, Madison.

Mr. WILLIAMS. Mr. Adams, in that connection, in connection with what we are talking about, I do not know that anybody could give more than the approximate answer to the question, of course, but I want your best judgment. What proportion, do you think, of the American people eat in restaurants and hotels and public eating houses?

Mr. ADAMS. I have not the least idea.

Mr. WILLIAMS. Can you give an idea? What percentage of butter consumed in America do you think is consumed in those places?

Mr. ADAMS. I have no idea whatever.

Mr. WILLIAMS. Do you think it would go over 10 per cent?

Mr. ADAMS. I do not know. I do not think it is material to this discussion. It would be purely a guess.

Mr. WILLIAMS. The object in asking the question was this: If 90 per cent of the frauds are committed there it is quite important to know what percentage of butter is consumed there.

Mr. ADAMS. My statement was with reference to the final sale of oleomargarine. I want to say this: That one of our friends on the other side made the statement, criticising Governor Hoard's speech, that we have not brought in one scintilla of evidence; that while we had made strong statements we had not brought in any facts to prove that the sale of colored oleomargarine was largely attended with fraud.

The gentleman had not evidently read the testimony taken before the Senate committee where Mr. Blackburn, the dairy commissioner of the State of Ohio, made the statement, in response to a direct question which I asked him, as to the extent of the fraudulent sale of oleomargarine in that State. He said that it was 75 per cent. Mr. Kracke, of New York, was on the stand. He is the assistant dairy commissioner of the State of New York and has charge of the execution of law in that large area which is embraced in the territory of Greater New York, and some gentleman representing the oleomargarine interests said: "Mr. Kracke, how is oleomargarine sold in your State?" He said, "In almost every instance it is sold as and for butter." "Do you have many prosecutions up there?" "Yes, sir." "How many do you have?" As I recollect now, he stated that in the last three years that there had been 1,000 prosecutions, and in every instance oleomargarine was sold as and for butter.

Mr. James Hamilton, secretary of agriculture for the State of Pennsylvania, was here the other day, and he would have testified before this committee if he had had opportunity. He stated that there were 700 cases now pending in the State of Pennsylvania against the offenders under the oleomargarine law.

Mr. DAHLE. How does he stand—for or against the tax on uncolored oleomargarine?

Mr. ADAMS. The gentleman must speak for himself. He is in favor of the 10 cent tax on oleomargarine, but he did not express any definite judgment to me as to that feature of the bill.

Here is the trouble: I have been dairy commissioner of my State for seven years. I drew the oleomargarine law of the State of Wisconsin. I have endeavored to enforce the law, and here is what we have to contend with: Right across the line in the next State are those large oleomargarine manufacturers. They are pounding at the doors of Wisconsin all the time. The agents of these big companies come into the State and go to the retailers in our State and say: "We want you to sell this oleomargarine; you can make more out of it than you can make out of butter and you can make more out of it than you can out of uncolored oleomargarine." The retailer says, "But we will get into trouble." "Oh, we will stand behind you; that is all right." But the retail dealer answers, "But you won't be here when I am prosecuted," and the agents of those people have sometimes said, "Here is a check for \$500; we will stand behind you." For years they have been coming into our State endeavoring to induce our own citizens to break down the law of our State. We do not like it. It is one continuous struggle.

Let me give you another illustration of how these men operate. I received a letter from my inspector in Milwaukee not long ago stating that there was a large sale of oleomargarine for an agent for a Chicago firm. Just previous to that, having run up against that business before, I had secured the enactment of an amendment to our law which made it an offense for an agent to solicit or accept orders for colored butterine. My inspectors went on the track of this business and this is the way it was conducted. There was the Spring Valley Creamery Company, of Chicago, and there was the Globe Express Company, of Milwaukee, so called. There was a gentleman named Thompson, who went around and distributed to the people of Milwaukee a blank card addressed to the Spring Valley Creamery Com-

pany, not a butterine company but a creamery company. Those people would send in orders on the blank cards of that company. They would address oleomargarine in original packages to the numerous addresses from which these cards were received. They would ship that up by boat to Milwaukee in crates of 200 pounds, containing these separate original packages in the crates directed as I have stated.

The Globe Express Company, which was not an express company at all, but a part of that scheme of doing business (express company was a misnomer), would take these packages and deliver them to their customers in Milwaukee. They built up a large trade. They had about 200 customers. We watched those people for weeks, and we found out that many of them were purchasing that for butter. When they put the receipt on the "oleomargarine" stamped on those packages, some of which were very dim, they would put it on the name "oleomargarine" in such a way that the customer would not see it. Many of them thought that they were buying it for butter. One lady found out her mistake, and was very indignant. She put in an additional order, and then when the agent supplied her we arrested him. Their attorney came up and the upshot of the matter was that they agreed to go out of the State and quit business. Within three days after that they sold their teams and everything else, and both of those companies stopped business and left the State. That was a fraud from beginning to end. We meet that sort of thing all the time.

In Illinois they have not the same public sentiment; they have different courts, and they are not able to enforce the law. So we come to Congress and ask for a law which is based on absolutely sound, moral grounds. We do not come here for class legislation by any means. We do not come here for the purpose of securing the enactment of a bill which shall simply have the effect to raise the price of butter. We could not stand on that proposition before reasonable men for a solitary moment. We come here because it is injustice to the consumers of this country that a product shall be put before them in such a guise that they can not tell what it is—a product which they do not want and which is sold for more than its value because of the false color in which it is clothed.

That is all there is of that proposition. They have not any right to put that on the market, and the court decisions which have come to us have declared that the laws we favor are based upon sound principles. Those decisions have been made, not as a sop to the men who till the soil and the dairymen of this country, but because those laws were based upon the idea that the man who buys has a right to be protected against fraud. A farmer may come to the legislature, a lot of farmers, assembled together having great political power, and they may exercise that power and push through some bill, perhaps, that is not based upon sound principles; but when you go into the courts of the country, in the supreme courts of the States and to the Supreme Court of the United States, you do not go there with political power, but you have to go there with reasons and sound common sense. We want the fraud taken out of this business. Go on and manufacture your uncolored oleomargarine; you have ample room for it. Why, these gentlemen stand here and talk to me about the rights of the poor men of this country! They say that the poor men of the United States have a right to buy this substitute, colored like butter.

I want to say to you, gentlemen, that the friends of these measures

stand here as distinctively the friends of the poor man, because if this legislation is enacted into law your product will go upon the market just as nutritious, just as wholesome, just as good as it is now, and it will go there at an oleomargarine price, because you can not fool anybody. The laboring men of the city of Milwaukee are buying this by tens and tens of thousands of pounds. Why? Because it is uncolored and sold at a reasonable profit. I went up to the city of Oshkosh recently and arrested a dealer selling colored oleomargarine for 23 or 26 cents a pound to the poor people of that city. That was a little over a year ago. He plead guilty, but he said that he would obey the law if we let him go. He stopped selling the colored oleomargarine. He began to sell uncolored oleomargarine, and sold it at 16 cents a pound, and the poor people of that city, in which people our oleomargarine friends are so much interested, were able to buy that cheap substitute for butter for exactly what it was worth, and buy it for 7 cents a pound less than they had paid for it before.

I tell you that of all the men who enforce the dairy and food laws of this country, in every State, and there are 18 of them, there is not one solitary man who does not stand by the principle embodied in that bill; there is not one solitary officer in the United States charged with the execution of the dairy and food laws of the different States but what believes that the only way to stop this oleomargarine fraud is to strike the colored oleomargarine out of it, which enables the man who sells it to get more than it is worth and sell it to a man or woman who doesn't want it. Why, my friend Mr. Springer here the other day made an impassioned argument to this effect: That if we would take the restrictions off from oleomargarine, that if we would do as he thought they did in Denmark, leave it unrestricted—he is mistaken about that, but I will come to that matter later—that we could build up an oleomargarine business and a butter business right side by side.

Why, let me tell you, gentlemen, talking for a moment about the interests of the producers of the honest product, that 500,000,000 pounds of butter of this country go into the general market; 100,000,000 pounds of oleo go into the general market. He pictured an ideal condition where, with no restrictions, 500,000,000 pounds of oleomargarine would go into the markets of the United States and stimulate the production and sale of butter. It is an astounding conclusion to reach. I do not see how that can be done. The only way in which such an enormous consumption could be brought would be to throw down the barriers everywhere, in the States and in the United States, and permit these people to sell it for something which it is not. The dairy interests are entitled to some consideration. They are not entitled to any law which shall be unjust to any man or any class of men. As I said before, the reason of this under this law is not simply that the dairy men wish it; and I want to say to you frankly, gentlemen, that if I were a member of Congress and did not believe that that bill, or any one of these bills, was based upon sound principles of reason and justice to all classes, I would vote against it, even if every farmer in my district raised his voice in indignant protest.

The dairy production of this country is an enormous production. The dairy industry of the United States is a magnificent industry. It is bringing back fertility to our soils; it teaches men business principles; it makes business men of the farmer, because he is coming in contact with animal life, studying the problems of the cow, studying

the soil, studying the markets. Its tendency is educational. Along with the cow goes prosperity and wealth. They are entitled to your respectful consideration; they are entitled to no unfair favors, but as honest producers of an honest product they are entitled to justice at the hands of the American Congress; and they are entitled to the privilege of having eliminated from competition with them that which is based simply on fraud. We do not ask you to abolish the oleomargarine business; we do ask you, in the exercise of the taxing power of Congress, to stop the fraudulent part of it. That is all we ask.

Mr. WILLIAMS. Now, Mr. Adams, one question. You have read this Henry bill, which is a reproduction, as I understand it, of the Grout bill. You have already laws in your State, as I understand it, against the selling of colored oleomargarine?

Mr. ADAMS. Yes.

Mr. WILLIAMS. In what respect, if any, would your legal position be improved by passing the first section of this Grout bill?

Mr. ADAMS. I should have taken that up in the first place.

Mr. WILLIAMS. The second section is in reference to the tax. The first section is in regard to relegating to the States certain powers that they already exercise and that the Supreme Court has decided they have got.

Mr. ADAMS. If you will give me a little time I will answer that question. I am very glad that you have brought it up.

Two or three years ago the members of the National Dairy Union, which is an organization designed to look after legislation in the various States and in Congress, considered this matter of an increase of tax upon colored oleomargarine. We consulted Mr. Tawney and we consulted other friends of ours in the House of Representatives. Mr. Grout at that time had pending a bill which is embodied in the first section of all these several bills. In the consideration of this matter of a 10-cent tax on colored butterine, the representatives of the dairy interests of the West and of the dairy interests of the East became involved in a controversy, the New England representatives and the representatives of the dairy men of New York being of opinion at that time that a 10-cent tax on butterine would give to that article some rights as a legitimate article of interstate commerce which they did not then possess, and those gentlemen insisted that what we wanted was a bill like that which Mr. Grout had introduced and had been pushing for years. Now, out of our discussions and out of our conferences we finally agreed upon this compound bill.

Mr. Tawney said: "Mr. Grout is an older member of Congress than I am; I am perfectly willing that he shall introduce the measure to be backed by your organization." Mr. Davidson, of my State, gracefully yielded his measure and said: "I am perfectly willing to support any measure which embodies the things that you people are after." When I came down to Congress to assure Mr. Grout of the support of our people for his bill he said: "You have been very indifferent, you dairy people, with reference to the bill that I have been pushing in Congress for so many years." I plead guilty to that charge, in part, and for the very reason you suggest.

Now, in 1894 the Plumley case was decided and it was held in that case, as you know, that a State has a perfect right to restrict the manufacture and the sale of oleomargarine, even when it comes in in original packages, and so it seemed hardly necessary to some of us to pass

a measure of that kind, but then came on the decision in the Shellenbarger case, where there was a different state of facts from those in the Massachusetts case, where the law of the State absolutely prohibited the manufacture and sale of colored oleomargarine in any form. And the Supreme Court of the United States turned that down—and very properly, too. Then a case came up under the anticolor law of Minnesota and Judge Lochran decided that the decision in the Shellenbarger case overturned the decision in the Plumley case, and said it was not competent for a State to regulate the sale of oleomargarine when it came in in original packages. Judge Adams, of St. Louis, a little later made a decision upon a similar case, holding exactly the contrary opinion.

We then realized the necessity for this legislation for which Mr. Grout had been contending, and we said if Federal courts, the inferior Federal courts, will disagree as to the determinations of the Supreme Court, we will go to Congress and we will write the principles laid down in that decision into the law of the land, so that these Federal judges may understand the thing exactly.

Mr. WILLIAMS. Of course you are not a lawyer, I understand, Mr. Adams; but it being taken for granted that a State has not the power—and I do not take it for granted; I think, on the contrary, she has it, and I think these decisions you mentioned are all right except where the fellow denied that the State had it—but if it were true that the State did not have it, could any act of Congress confer it upon the State? Do you think that would be possible?

Mr. ADAMS. Well, I think it did confer it upon the State in the liquor case.

Mr. WILLIAMS. It could purport to do it, of course. One or two more questions, then, and I shall cease to worry you.

Mr. ADAMS. You can not worry me at all; I like to be questioned.

Mr. WILLIAMS. Because you are so good natured and clear and polite in your answers one does not feel like making you tired.

Would you have any objection to taxing renovated butter and applying precisely the principles of this bill to renovated butter? You know what I mean by renovated butter—process butter.

Mr. ADAMS. I think I know pretty well, because I drew the law that required it to be branded in my State.

Mr. WILLIAMS. Would you have any objections to this being done in this bill or a separate bill, either one?

Mr. ADAMS. Do you regard that as a pertinent question, or is it a question asked just as a matter of interest?

Mr. WILLIAMS. Absolutely pertinent, because this bill is a bill for the purpose of bringing about the sale of pure butter.

Mr. ADAMS. No; it is to prevent the fraudulent sale of oleomargarine.

Mr. WILLIAMS. Then, would you have any objection to preventing the fraudulent sale of renovated butter as pure butter?

Mr. ADAMS. No, sir.

Mr. WILLIAMS. And in order to do it, if this bill would do it with oleomargarine, it would do it with process butter, would it not?

Mr. ADAMS. Not necessarily, because it is a different thing. Process butter is butter, and oleomargarine is not butter. Process butter has the color of butter, and you can not legislate against it in the same way.

Mr. WILLIAMS. No; I am informed, and I think you will learn it to be the fact, that process butter has no color, and for this reason; that it is picked up at the hotels and other places around and sent into the cities, and then these process butter people boil it or put it through some other process and add a little cream and churn it up and it is composed of every color of butter, and they are therefore compelled to give it a consistent color to put it on the market.

Mr. ADAMS. Your premise is wrong; it does have color.

Mr. WILLIAMS. When they get through with it it has color, but not before.

Mr. ADAMS. I beg your pardon—

Mr. WILLIAMS. It is a mixture of various colors, and the reason they have to color it is because if they put it out without coloring it it would be variegated in color; if you cut it you would find it partially white and partially cream colored and so forth.

Mr. ADAMS. The gentleman is mistaken about his facts. We have a renovated-butter factory in our State. We do not sell it in our State, however, because we require it to be branded, but it is shipped out of the State. Renovated butter has color, just as all butter has color. Take these cheaper butters—

Mr. WILLIAMS. But I mean it is a variegated color.

Mr. ADAMS. No; it does not have a variegated color at all. I beg your pardon for contradicting you, but I am familiar with this subject.

Mr. WILLIAMS. I wish you would enlighten me, because I want to know the facts.

Mr. ADAMS. They take these cheap butters, some of them are rancid and some of them are tolerably good, but they are lacking in grade and are not merchantable. They take them and mix them together and melt them, and then chill the melted product in cold water. Of course, when they are melted they become of the same consistency and the same color—the product becomes uniform. Then that is chilled and churned in milk and resalted.

Mr. WILLIAMS. I was informed that the color was streaked.

Mr. ADAMS. No, sir.

Mr. WILLIAMS. Have you ever seen it before it was colored—this process butter?

Mr. ADAMS. No, sir.

Mr. WILLIAMS. I am informed on pretty good authority that it comes out streaked, and for that reason they are compelled to recolor it.

Mr. ADAMS. I think not. The only reason for coloring it, I think, is because the color is so light otherwise that it is not acceptable to the market. There is no particle of objection to the process. The trouble with renovated butter is that, although when it is first made it is pretty good, it goes off rapidly in flavor, and it is a fraud to sell it for creamery butter, which it is not. That fraud is often perpetrated, and there is no defense for it.

Mr. WILLIAMS. That being the case, would you not be willing to see the exact provisions of this bill—which you say are going to prevent fraud in the matter of oleomargarine—applied to renovated butter, to prevent the same fraud in renovated butter?

Mr. ADAMS. No. As I say, renovated butter is still butter.

Mr. WILLIAMS. But you yourself admit it is a fraud?

Mr. ADAMS. I think it is a fraud when it is sold as creamery butter; when it is sold for what it is not.

Mr. WILLIAMS. And you say your object in this bill is to prevent fraud?

Mr. ADAMS. Yes.

Mr. WILLIAMS. Then why not make it apply to renovated butter and prevent fraud in renovated butter by this bill also?

Mr. ADAMS. For the reason that it does not apply.

Mr. WILLIAMS. It would apply if we made it apply?

Mr. ADAMS. You can not apply it because renovated butter is butter.

Mr. SMITH. It is not pure butter, is it?

Mr. WILLIAMS. It is not what it is pretended to be, and so it is a fraud.

Mr. ALLEN. Why do you require it to be branded if you look upon it as a pure article of food, except to keep the people from being deceived —

Mr. ADAMS. Exactly.

Mr. ALLEN. Deception is a fraud.

Mr. ADAMS. Yes; but you can not introduce an anticolor clause because it has a color of its own.

Mr. WILLIAMS. Yes you can. If you can say a thing that is white shall not be colored, you can say another thing shall be put out with whatever color it has when it comes out of the factory?

Mr. ADAMS. Yes.

Mr. WILLIAMS. Why not say that?

Mr. ADAMS. I have not any objections. You could not hurt me an atom by any such procedure, so far as I am concerned.

Mr. DAHLE. We ran up against this proposition that you are thinking about, and I have complaints that renovated butter has been sold for creamery butter. Now, if renovated butter is simply making a rancid butter into a better grade, and it is sold for what it is, and it is healthy, then we must not put a tax upon it. If it is put up in imitation of creamery butter and sold as creamery butter, then I, for one, would be only too glad to work in conjunction with you.

Mr. WILLIAMS. My position in regard to oleomargarine is that whenever oleomargarine is colored and sold for colored oleomargarine and not sold for butter you have no right to bother with it, provided it is wholesome; and I take exactly the same position about renovated butter.

Mr. ADAMS. Mr. Chairman, I am of course perfectly willing to have my time taken up with the discussion of the oleomargarine question, but this is another question, and, as I have but little time, I would like to add a word or two to what I have said without going off into other matters.

Mr. ALLEN. For what price do you think this colored oleomargarine can be sold with a fair profit?

Mr. ADAMS. I think very little will be sold.

Mr. ALLEN. At what price, if sold, do you think it would be sold?

Mr. ADAMS. They could not sell it very well under 22 cents a pound, as I understand the present prices of the materials that go into it.

Mr. ALLEN. What is the average price of good creamery butter?

Mr. ADAMS. I think the Elgin price in New York and Chicago markets now is in the neighborhood of 23 cents per pound.

Mr. ALLEN. Twenty-three cents per pound?

Mr. ADAMS. Yes.



Mr. ALLEN. Now, oleomargarine colored and sold for butter, and being nearly the same price as butter, would there not be a greater inducement to the dealer to put it off as butter and practice a fraud?

Mr. ADAMS. My own judgment is like that of the representatives of the oleomargarine interests who have appeared, that there will be very little if any colored oleomargarine made. If they have to pay the 10-cent tax they won't make it, that is all, in my opinion.

Mr. ALLEN. I believe there are a good many persons in your State in the lumber business, are there not?

Mr. ADAMS. Yes, sir.

Mr. ALLEN. Is it not a fact that a great deal of oleomargarine is sold in that district?

Mr. ADAMS. It is diminishing from year to year, but there is a considerable amount sold there, yes. It is true that while the letter of the law is possibly violated there the spirit of the law is not violated.

Mr. ALLEN. I will ask you if it is not a fact that a great deal of colored oleomargarine is permitted to be sold there with the knowledge of your commission?

Mr. ADAMS. We have knowledge that it was sold, and we have begun some prosecutions. But the man who is running a lumber camp hires his men usually and pays them so much a month and their board. Now, then, that oleomargarine goes in there to the camps and is called oleo; they all know it is oleo, and the men who buy it are not deceived, as they usually are in hotels and restaurants. And not only that, but there may be some question as to whether when a man is hired in that way there is a sale at all.

In addition to that I am frank to say that up in these lumber counties it is almost impossible to get a jury which will convict or a judge who will recognize the law. I want to give an illustration of my experience in the city of Superior. I went there and arrested thirteen or fourteen different dealers for violating the oleomargarine law. The mayor of the city, who was a lawyer, was retained by the defense. I established every fact which was necessary to convict the defendant of a violation of the law. There was no defense made so far as witnesses are concerned. The lawyer went before the jury, and said, "Gentleman, this man is a good fellow and ought not be convicted." There was a saloon keeper on the jury, and this lawyer said to this jury, "This law was not framed to be enforced any more than the liquor law was," and he said, "I want you to acquit this man." He was acquitted.

And take it in the city of Chicago. There an officer of the State went out and swore out a warrant against a man who had violated the oleomargarine law. The justice refused to honor that warrant, and then they went to the supreme court of the State to get a mandamus to compel him to issue the warrant; but the supreme court would not issue the mandamus. That is the reason—the difficulty of enforcing these State laws—that we come to Congress and ask that you will pass a law that will prohibit the fraudulent manufacture and sale of this article.

Mr. ALLEN. In that community where that decision was made is there not the right of appeal?

Mr. ADAMS. No, sir.

Mr. WILLIAMS. Do you think that Federal officials would be any more honest than your State officials in enforcing the laws?

Mr. ADAMS. I think that the internal-revenue laws of this country are, as a rule, well enforced.

Mr. WILLIAMS. Have you a tax in your State or just a penalty?

Mr. ADAMS. Just a penalty.

Mr. SCOTT. Is it a fact that a public sentiment exists in your State making it nearly impossible to enforce the State law on this subject?

Mr. ADAMS. Only in some sections.

Mr. SCOTT. Would that not indicate that the consumers are not very much interested about this?

Mr. ADAMS. It indicates that they are not very much interested in certain localities of the State, but it does not change the facts.

Mr. SCOTT. Is there any particular reason why there should be a stronger sentiment in favor of oleo. in the lumber regions than in other parts of your State?

Mr. ADAMS. For the reason that the lumber men like to use it. As I have said, they hire their men there and give them board, and they want to get butter or a butter substitute as cheap as they can. And another reason is that oleomargarine, while not as good an article of food as butter, will stand up and keep longer, there is no doubt about it, under bad conditions, than butter will. It will stand being knocked around the camp better. Butter has some volatile oils in it that add to its flavor and adds to its digestible property, which oleomargarine does not have. Take oleomargarine properly made and cared for and it is neither very good nor very bad; it has rather an indifferent excellence.

Mr. DAHLE. Was this quite recently you had the trouble in Superior?

Mr. ADAMS. No; a year and a half ago.

Mr. DAHLE. Up in the lumber camps, then, where do they get their oleomargarine?

Mr. ADAMS. It is shipped there from Chicago, as a rule.

Mr. DAHLE. When it is not shipped from Chicago where do they get it from?

Mr. ADAMS. Some from warehouses in Ashland and in Superior.

Mr. ALLEN. Under the present law I believe there is no license required of hotel keepers?

Mr. ADAMS. No, sir.

Mr. ALLEN. Nor would there be under the bill you propose?

Mr. ADAMS. That is a question.

Mr. ALLEN. I am asking for your opinion.

Mr. ADAMS. I will get to that in a few minutes.

Mr. HAUGEN. You have spoken of the lumber camps in Wisconsin, and their being supplied from Chicago. Is it not a fact that oleomargarine is sold in open violation of the law all over this country?

Mr. ADAMS. Yes sir.

Mr. HAUGEN. It does not apply to your State or any other State particularly, but it is true of almost every State in the Union, is it not?

Mr. ADAMS. Yes sir. We have practically stopped the selling of it in violation of law in central and southern Wisconsin. Still, in the last few months, as an illustration of what they do, I was informed that colored oleomargarine was being sold in the city of Watertown as butter, and I sent my inspector there to get a sample of it. As a result of that we found that the law was being violated by that dealer and he was fined \$100.

Mr. HAUGEN. In your State, as well as other States, I have purchased oleomargarine—I have purchased it in Illinois and Wisconsin—and I sent the samples here and had them analyzed, and I find in the principal cities of those States, as well as in other cities, it is sold as colored oleomargarine. I have the report from the chemist in the Agricultural Department here to that effect. So I take it it is general in every State in the Union. I know it is that way so far as I have investigated it.

Mr. ADAMS. There is no question but what about 20,000,000 pounds in Illinois, perhaps 8,000,000 pounds in Ohio, and 10 or 12 million pounds in Pennsylvania are sold in violation of law—as nearly all of it is; there is no question about it.

Mr. HENRY. And in Massachusetts?

Mr. ADAMS. And quite a lot of it in Massachusetts.

Mr. SMITH. If you know, will you state what the law is in Ohio?

Mr. ADAMS. Yes, sir; it prohibits the coloring of oleomargarine in imitation of yellow butter.

Mr. SMITH. Could you imagine or state why, under such circumstances, this Standard Butterine Company, not manufacturing uncolored butterine, should have an office in Cincinnati, Ohio; for what purpose could they have an office there if they can not sell the colored butterine in Ohio?

Mr. ADAMS. They not only have a factory there, but there is a factory in Columbus, Ohio, which is manufacturing colored butterine, and the charter of one of those oleomargarine companies was recently taken away by an action in court because they had violated the State law. That case was appealed, as I understand it, to the Supreme Court of the United States and confirmed.

Mr. SMITH. I have here a card presented to me by one of the representatives of the Standard Butterine Company on our visit to the factory Saturday, which reads: "H. G. Faser & Company, sales agents for Standard Butterine Company, high-grade butterine, corner of Walnut and Front streets, Cincinnati, Ohio, telephone main 2209." What business could the Standard Butterine Company, making a colored butterine, lawfully do in Cincinnati?

Mr. ADAMS. They could not do anything, and the truth is about Ohio—I have talked with Mr. Blackburn, whom I know very well and who has charge of the various food laws there, and he says in some cities it is almost impossible to enforce the law, and in other cities he can enforce it in every case.

Mr. WILLIAMS. Do you know enough about the question to tell me what the law is in Ohio—whether it forbids the sale of colored oleomargarine or forbids the sale of colored oleomargarine for butter, because, on its face, it is not sold for butter?

Mr. ADAMS. The law of New York and Pennsylvania and the law of Wisconsin, the laws of Illinois, Minnesota, Iowa, Massachusetts, and 32 States altogether prohibit the sale of oleomargarine colored in imitation of yellow butter, and, as was stated before this committee the other day, in these States, consuming somewhere from 70,000,000 to 80,000,000 pounds of oleomargarine, 90 per cent of that product, and perhaps 95 per cent, is sold in violation of the laws of those States. That is one reason why we are here to ask a prohibitory tax upon the colored article.

**Mr. ALLEN.** Do I understand you to say that notwithstanding the fact that a great many sales of colored oleomargarine come to the knowledge of the authorities in the northern part of your State that yet you do not undertake in all instances to enforce the law?

**Mr. ADAMS.** Yes sir; for the reason that our experience in certain localities is that we can not get justice from the courts or from the juries—no other reason.

Just one word with reference to Mr. Springer's talk here about the live-stock interests. He endeavored, and undoubtedly made a sincere and honest endeavor, to convince this committee that legislation of this kind was prejudicial to the live-stock interests of this country. Now, I think he is mistaken about that. I do not believe it for one moment, and even if we conceded that it was a blow at the live stock of this country, if this legislation is founded upon sound principles can the representatives of that interest afford to come to Congress and object to a measure which is right simply because it is going to cost them some money? Can they afford to take that position? It seems to me not. And, as a matter of fact, this legislation is not opposed to the live-stock interests of this country, but if enacted into law will be of service to those interests. And I say that with a clear understanding, as I think, of my reason for that position.

**Mr. LAMB.** I would like to hear you on that point.

**Mr. ADAMS.** Suppose we take off all the restrictions—take off the tax and repeal all the State laws and have this enormous production of oleomargarine which the gentleman pictured to us in such glowing terms the other day—and what would happen? The price of butter would go down, down, down. Then what would happen? What would these hundreds of thousands of dairymen, with their hundreds of thousands of dollars of capital, do? They would come into the beef business; they would come into the hog business; they would be driven out of the butter business. If you are going to consider this simply as a matter of commercial interest, look it squarely in the face, and after you have driven all these dairymen, with all their intelligence and money, to the beef business and hog business, what happens?

You have just so much more beef and just so many more hogs, and then you have cheaper beef and cheaper pork. I tell you it is to the interest of the man who raises hogs and steers in this country to have just as few people raising hogs and steers as possible and just as many people buying hogs and steers as possible. There are no better customers for the man who raises hogs and steers than the dairymen themselves. They furnish the cattlemen the market. They have money to buy and they like to buy those things. But you transfer those consumers over into the ranks of the producers, as you would if you passed the law which my friend advocates, and you will strike just as severe a blow at the hog-producing and the steer-producing interests as your minds can devise.

**Mr. WILLIAMS.** I would like to ask you this: Taking the different agricultural interests of this country and comparing them, the ranch man, the wheat man, the cotton raiser, and all that, is not the most prosperous man to-day in the great dairy sections, Ohio, Wisconsin, New York, wherever they exist? Is not the land higher, and are not the farmers in those sections more prosperous than anywhere else?

**Mr. ADAMS.** Yes, sir.

Mr. WILLIAMS. Then can you say existing things have hurt them, when they are more prosperous than their brothers who are engaged in these other lines of agriculture?

Mr. ADAMS. Yes, sir; even if they are prosperous it does not wipe the fact out with reference to the sale of a competing article. The dairyman is a great deal more prosperous than men in other branches of agriculture, but one reason is that he has to work harder, he has to work more hours a day, he has to work more days a week, and he works more weeks in a year. He can crowd more of his work into a single year, and does, than the man engaged in any other branch of agriculture.

Mr. WILLIAMS. That is hard for the cotton farmer to believe, when it takes thirteen months of the year to make cotton crop.

It has been stated that the enactment of this law would not injure the laboring man by raising the value of the product he buys. Just now you stated that if this law was enacted the price of butter would go down, down, down.

Mr. ADAMS. No, I did not say that; excuse me, you misunderstood me. I said if the course advocated by Judge Springer was adopted, if we should take off all internal-revenue taxes, repeal all the restrictive laws of the State, and turn this business loose, then this result would be likely to follow.

Mr. WILLIAMS. I misunderstood you. I understood you that the price of butter would go down, and the price of hogs and steers would go down.

Mr. ADAMS. Only under those conditions I said.

Mr. WILLIAMS. This bill fixes a higher tax than the existing tax?

Mr. ADAMS. On the colored article.

Mr. WILLIAMS. That would raise the price of oleomargarine.

Mr. ADAMS. No; I think it would reduce the amount of production.

Mr. COONEY. With reference to the sale of oleomargarine and its effect upon the dairy interests, in comparison with those who are engaged in raising hogs and cattle and live stock, is it not a fact that the number of dairies has been increasing, that dairies have been springing up even in the live-stock regions of the country?

Mr. ADAMS. Yes, sir; but I want to say this —

Mr. COONEY. And why is that a fact?

Mr. ADAMS. I want to say this in reference to that. Of course it does not make any particular difference with reference to this legislation, how it affects any particular industry, if it is proper legislation. That is not the prime question—how it affects any particular industry—and I want you to keep that in view. The dairyman in every State of the Union is having a harder time and getting less profits this year than he has for a long time. I will admit that it is an exception, but owing to the high price of feed—the wiping out of 1,000,000 bushels of corn out of the American corn crop has made higher prices indeed.

Mr. SMITH. If you will permit me the suggestion, the higher price of farm labor?

Mr. ADAMS. Yes; the higher price of farm labor and the advancing value of farm lands. I want to tell you that of all classes of American farmers, although it is exceptional, as I admit, this year the dairyman is having the hardest time of all. Take even the people who run these great milk concerns in the large cities. They are finding it exceedingly difficult to get their milk supply. Take the different things that

go to make up the daily ration of the cow and you will find that it takes about 17 cents a day to feed her; and add the cost of labor and interest on capital invested and what you have to pay your butter maker at the creamery for making the butter, and you will see that the dairyman this year is in very hard lines.

Mr. ALLEN. I will ask you if the men who consume corn in the corn districts who have not raised it are not in hard lines, too?

Mr. ADAMS. Yes; and I sympathize with them.

Mr. ALLEN. And that is true.

Mr. ADAMS. I am taking up a lot of time, and there are others here who want to talk.

Mr. HAUGEN. You touched on this one-quarter cent tax. That is not a subject that has been discussed yet.

Mr. ADAMS. There are so many things I want to talk about that I do not know what to do. A controversy has arisen, we might as well state, among the friends of this measure as to which particular bill should be reported by this committee, and it is only justice to some of the gentlemen who have advocated measures of this kind that I should state that if there is any man responsible more than any other one man for the introduction into this Congress of a bill leaving off entirely the tax on uncolored oleomargarine that I happen to be that man. If anyone wants to blame anybody, let him blame me.

Mr. HAUGEN. That is not the question with me. I wanted to know the reasons—

Mr. ADAMS. That is exactly what I am going to give. I am going to give the reason for the faith that is in me and why I have endeavored to do that. I said to Governor Hoard, the president of our association, and to Mr. Knight, the secretary of our association, and to Mr. Tawney, who was the chairman of the steering committee in the last House fighting for this legislation, that it seemed to me the dairymen would be on solid ground, so far as the moral argument was concerned, if we struck out the tax on uncolored oleomargarine and saddled the entire tax on the colored product. I said we did not propose to come to Congress asking for class legislation. The charge was we were coming here asking for class legislation and a tax on a competing product. That is exactly what we are not doing. We are asking for a tax upon that product which is fraudulently sold. Now, we can see that oleomargarine under its own color is a legitimate food product. We do not pretend that it is injurious to public health. And for that reason it was our judgment that we could very properly introduce a bill here which would not tax the legitimate product and should place the entire tax upon the illegitimate product. Now, that is all there is of it.

Mr. HAUGEN. Did the 2-cent tax that was imposed in 1885 meet with the approval of the dairymen of this country?

Mr. ADAMS. Yes; but I want to say—

Mr. HAUGEN. Now, then, how can it be class legislation to reduce the tax from 2 cents to one-quarter of a cent? If it was not considered class legislation to impose a tax of 2 cents, why is it class legislation to impose a tax of a quarter of a cent?

Mr. ADAMS. I want to say that in fourteen years we have learned a good many things, and we have done a good deal of thinking.

Mr. HAUGEN. Then what special light have you had on this since last year? As I understand it the dairymen were then unanimously in favor of retaining the quarter of a cent tax.

Mr. ADAMS. Yes.

Mr. HAUGEN. What new light have you had upon the subject in the last year?

Mr. ADAMS. So far as I am concerned, there has not been any new light. I want to say that, so far as I am concerned, I was opposed to the placing of a quarter of a cent tax in the original bill. I gave way, however, to the other gentlemen who favored that measure. I want to say that I argued that question with Mr. Grout. I do not consider it vital or the main point in this discussion. The heart of this proposition is the 10-cent tax; the other things are all minor in importance, and I do not want to encourage any contention in this committee between the friends of this bill or to advocate the particular views of any one man.

But when Mr. Williams in his debate on the oleomargarine question on the other side in the House—the only man in the discussion who discovered to be what I deem the weak point in that bill—and when that question was brought up in the Senate committee, and when I discussed the matter with men of eminent legal attainments, it seemed to me wise to strike out that tax, although there is some justification for it. There is some expense connected with policing the matter and so forth, but I do not want to come into this committee insisting upon this view or that view or upon this bill or that bill.

Mr. HAUGEN. I do not think you understand my question. We will be called upon in a few days to decide what bill we shall report, and I would like to know from you, as the representative of the dairy people, what your views are, and I also want to know from the oleomargarine people what they want, so that I may vote intelligently on the question. I am not engaged in any controversy, and I simply want to be able to vote intelligently on the question.

Mr. ADAMS. I want to make this suggestion: A point was made last week; the question was raised by Mr. Scott, I think, in a question to Mr. Springer, which was as follows: In case the retail merchants shall buy uncolored oleomargarine and color it in imitation of butter and sell it, would he be a manufacturer within the meaning of the law? As I recollect it, Mr. Springer said no. I understand that a good many good lawyers say no. Now, if that is true, this bill should be corrected in that particular in this committee, and the first section ought to be amended, or the oleomargarine law should be amended, and the manufacturer defined. You should amend that portion of the oleomargarine act defining the manufacture and include within it any man who colors oleomargarine in imitation of yellow butter and sells it in imitation of yellow butter.

Mr. WILLIAMS. Buys it uncolored and sells it uncolored?

Mr. ADAMS. Yes.

Mr. SCOTT. In your judgment, when colored oleomargarine is sold as oleomargarine in States where such sale is not prohibited by law is that a fraudulent sale of oleomargarine?

Mr. ADAMS. Why, so far as the deception of the consumer is concerned it is sometimes and sometimes it is not.

Mr. SCOTT. I say when the consumer is not deceived.

Mr. ADAMS. Certainly not.

Mr. SCOTT. When he asks for oleo and gets oleo?

Mr. ADAMS. Certainly not.

Mr. SCOTT. The mere fact that it is colored does not make a fraudulent sale?

Mr. ADAMS. Certainly not.

Mr. SCOTT. Mr. Hoard stated here the other day that if it appeared under the Grout bill, should it become a law, that as much oleo was sold as is now sold that he would come back and demand a higher tax.

Mr. ADAMS. Did he state that?

Mr. SCOTT. That is what he stated. What is your judgment about that?

Mr. ADAMS. I do not think that enters into the question at all, or into the merits of this bill.

Mr. SCOTT. I asked Mr. Hoard this question:

Whether this bill would be demanded if, after its passage, just as much oleo would be manufactured and put on the market as is now manufactured and sold.

His reply was:

Mr. HOARD. In that case, sir, I would come before Congress and demand a higher tax.

Mr. ADAMS. In my opinion that is not a question that is germane to this discussion.

Mr. SCOTT. You had spoken a good deal and very properly about the principle upon which this bill is founded. I think we all agree with you that this committee ought to be governed solely by the principle underlying a bill and not by the interests that are behind it. Now, in your judgment, is it a sound principle to enact a law the effect of which will be to damage an industry engaged in producing a nutritious and wholesome article of diet and selling it for what it is?

Mr. ADAMS. That is a hypothetical question which is entirely different from the state of facts existing in this case.

Mr. SCOTT. It is hypothetical only to this extent: That this committee has, or will have, doubtless, before it a bill in which every safeguard of the law will be thrown about the honest sale of uncolored oleomargarine, and I am trying to get your opinion as to whether such a bill would not be absolutely sound in principle, and therefore deserve support, rather than a bill such as the Grout bill, which denies to a product which is conceded to be nutritious and wholesome a market when it is put up in such a way as to appeal to the tastes of the consumer.

Mr. WILLIAMS. The box sold for what it is.

Mr. SCOTT. The box sold for what it is.

Mr. ADAMS. That question was brought up I think while you were out of the room.

Mr. SCOTT. I will not ask you to repeat your reply, then.

Mr. ADAMS. But I want to say this, that Mr. Tillinghast, representing an oleomargarine factory, and a lawyer, and a very clean-cut, able man, stated our position exactly the other day when he said that the people behind this bill believed it to be impossible for oleomargarine to be sold in a majority of instances to the final consumer for what it was if it was colored in imitation of butter. That is our sincere judgment. We will concede that when you label it in the way provided in one or two of these bills the retailer will sell it for what it is, because he can not help it unless he takes off the stamp and planes down the surface.



Mr. WILLIAMS. He could not do that under the bill.

Mr. ADAMS. But the person who sells it to the final consumer, to the person who eats it at the boarding house or restaurant, that person will sell it ninety-nine times out of a hundred for butter, which it is not. Those final consumers will get oleomargarine, which they do not want, in response to their desire for something else which they pay for.

Mr. SCOTT. One more question leading back to what you said in the earlier part of your statement. You spoke of the fact that in certain cities workmen were compelled now to practically pay a butter price for oleomargarine, and gave it as your judgment that if the Grout bill were passed they would get it much cheaper?

Mr. ADAMS. Yes, sir.

Mr. SCOTT. Do you not think that they could get it at an oleomargarine price if it were sold as oleomargarine, although it might be colored; would the addition of the color increase the price? That has not been our experience down to the present time; it increases the price only because it may be sold fraudulently for butter.

Mr. ADAMS. Yes, and also because these people are willing to pay a little more for this colored oleomargarine in order that they may deceive the guests at their tables.

Mr. HAUGEN. One of the manufacturers the other day suggested that the license for manufacturing and selling oleomargarine should be reduced.

Mr. SMITH. Not manufacturing.

Mr. HAUGEN. Well, the sale of it, then; that it should be reduced if the 10-cent tax is to be imposed. Have you consulted with your friends to know what their judgment is about that?

Mr. SMITH. What is your judgment about reducing the retail tax? I had a memorandum to ask that question myself.

Mr. ADAMS. I know perfectly well that the oleomargarine manufacturers who are inclined to comply with the law and manufacture an uncolored oleomargarine would prefer to let the quarter of a cent remain on and have the licenses reduced, for the obvious reason that the reduction of licenses would mean a multiplicity of retailers. So far as I am concerned myself, I have not given much attention or thought to that matter—to the reduction of licenses. It is not in this bill and I don't want to suggest it by way of amendment. I feel like leaving that portion to the committee itself.

Mr. HAUGEN. Would not that be in line with that suggestion?

Mr. ADAMS. I think it would, so far as the license upon the dealers of uncolored oleomargarine is concerned.

Mr. LAMB. How, in your judgment, would it be possible to prevent housewives, housekeepers, keepers of restaurants and boarding houses from buying this article in its natural state and coloring it themselves? Would you define those as manufacturers?

Mr. ADAMS. So far as housekeepers are concerned, and people in their own families, you have no business to interfere with them. If they want to color their uncolored oleomargarine it is their right, and the State or nation has no business to interfere with their private concerns; but when it comes to a matter of sales, this bill somewhere, and probably in an amendment to the second section of the oleomargarine act, ought to be amended, and the person who bought it uncolored

and sold it colored ought to be deemed a manufacturer in the meaning of the law. It seems to me this committee can not afford to let this bill go to the Senate if it contains any weaknesses or imperfections.

Let me call your attention to two bills introduced by Mr. Henry with reference to another point. I discovered that Mr. Henry introduced a bill December 3, and also another upon the same subject on January 15, and the last bill is a decided improvement.

Mr. HENRY. Right there, let me say that in the first instance I did not intend to introduce any bill, and I was not aware that Mr. McCleary had introduced a bill. After a talk with Mr. Tawney I concluded the Grout bill should be presented, and I sent down to the document room for a copy of the bill. They sent me up the bill that Mr. Grout introduced. Then I made inquiry of Mr. Rodgers and, I think, Mr. Knight, if there had been any amendment offered to that bill.

They both thought not, and the bill was introduced. Just prior to the passage of the bill in the last Congress Mr. Grout had amended the bill, inserting the words "District of Columbia." And then, upon the recommendation of the dairy commissioner of Massachusetts, who wrote a very strong letter suggesting, in view of certain legal decisions, that the word "yellow" should be inserted, that was inserted upon the strong, urgent recommendation that was made, and after consultation with some members of the committee and others to meet that emergency. I am not a lawyer, and I have no pride in the bill, but that was the reason for inserting the word "yellow," and the bill in that form was introduced. For that reason there are two bills that bear my name.

Mr. ADAMS. That is just exactly the point I wanted to make—the distinction between those two bills. The last bill provides that it shall be one-fourth of 1 cent per pound if the same is not made in imitation of yellow butter. One of these bills—I have forgotten which one—provides a tax when it is made in semblance of butter. We should be careful, it seems to me, and not place any unnecessary burden, not pass any law which would be subject to misconstruction, with reference to the manufacture of uncolored oleomargarine. Uncolored oleo margarine might be in semblance of butter, so far as form and texture is concerned, and there might be some controversy in the courts about it, and it seems to me whatever bill you pass—and I am not going to ask you to pass any particular one, so far as we are concerned; the heart of this is the tax of 10 cents on the colored article—it should provide for a tax on oleomargarine made in imitation, or colored in imitation, of yellow butter. It does not make any difference whether that is colored by a minute amount of coloring matter or some ingredients in considerable proportions, which causes it to look like butter; but if it is made in semblance of yellow butter.

Mr. ALLEN. Ought that not to be natural yellow butter?

Mr. ADAMS. No, sir.

Mr. DAHLE. Do you mean, then, that all butter is yellow?

Mr. ADAMS. Yes, sir; I never saw any white butter in my life.

Mr. DAHLE. Another question. If I understood you, your private opinion is that a reduction or smaller license might be as well as the present license to the retailer. Did I understand you that way?

Mr. ADAMS. I do not want to stand here as engaging in any controversy between the friends of this measure, but I want to say that as

far as my private judgment is concerned it seems to me the dairymen of this country stand on the most solid ground when they simply ask for a tax on that part of the oleomargarine product which is fraudulently sold.

Mr. DAHLE. I do not look upon this quite that way, and I would like to have you explain to us just why you take the position that you do. As a matter of fact you contend for the breaking up of fraud?

Mr. ADAMS. Yes sir.

Mr. DAHLE. Is it not easier for you and for the Government to detect frauds where you have fewer than many to look after?

Mr. ADAMS. What is that?

Mr. DAHLE. Is it not easier for you to handle fewer rather than many dealers in oleomargarine?

Mr. ADAMS. Certainly.

Mr. DAHLE. Now, then, if that is the case, and if we have the license for the retailer simply to help, as I understand, detect frauds, why then can you arrive at your present—

Mr. ADAMS (interrupting). I have not made any argument about licenses whatever.

Mr. DAHLE. You are just as well satisfied with the present as with a change?

Mr. ADAMS. I was talking about the tax. I made no argument about licenses.

Mr. DAHLE. I would like to ask you as to the wisdom of lowering, for instance, licenses, if you have anything to say whatever about that?

Mr. ADAMS. I do not care particularly to discuss it, but would say this: If you left the tax on, it would perhaps be fair to take off the license. If you took the license off you could perhaps leave the tax on. I say it might be fair in such a case for the purpose of policing it.

Mr. ALLEN. There may be some members of this committee who are opposed to this 10-cent tax on oleomargarine, but who are interested, if they can not defeat some such bill, to get the best bill they can, and they would like to get your opinion as to which of these bills is the best bill.

Mr. ADAMS. Of all the bills, you mean?

Mr. ALLEN. Yes; all the bills presented here.

Mr. ADAMS. So far as my judgment is concerned, of all the various bills here I want to say that the Tawney bill was drawn in accordance with my judgment, except as to one thing. I would object to that one word on the 19th line, second page.

Mr. WILLIAMS. That word "semblance?"

Mr. ADAMS. "Made in imitation or semblance of yellow butter." I think otherwise it is liable to some misconstruction.

Mr. SCOTT. You said a moment ago that all butter is yellow. If so, why should you insert the word "yellow?"

Mr. ADAMS. Because there is a wide misunderstanding about that. The gentleman to my left says he has seen white butter. There are shades and shades of butter, and there might be some controversy as to whether any of it could be white. It is not for our protection—

Mr. WILLIAMS. Is there not another objection? Why use the word semblance if the word imitation—this was brought up a moment ago and it is a new point to me—is used there? Somebody might contend in the courts that oleomargarine brought from the factory just like it is made, without coloring in it, while it was not an imitation of the

coloring of butter, was in the semblance of butter. It is an indefinite word, it is not a law term, there is nothing technical about it.

Mr. ADAMS. I think that grows out of the lawyers disposition to duplicate terms that are supposed to be synonymous.

Mr. SMITH. In that connection, in the Tawney bill—and I think it is true of these others—it is entitled "A bill to amend an act entitled an act," and so forth. That starts right off, in the first section, and does not purport to amend anything. It says, "Be it enacted," and so forth. That does not amend any section, and yet you turn over the leaf—

Mr. ADAMS. Section 2 recites—

Mr. SMITH. Section 2 amends section 8. What does section 8 amend?

Mr. ADAMS. It does not amend anything.

Mr. HENRY. Allow me to suggest that we have a day assigned for this discussion. We are taking up time here now.

Mr. HAUGEN. That day is simply assigned to members who have introduced bills.

Mr. SMITH. I understand you got this bill up, or substantially got it up, yourself, and I thought if you were the father of the bill you could point out why that was so worded.

Mr. ADAMS. The first section does not amend anything.

Mr. SMITH. It is like the first section of the original act.

Mr. ADAMS. The first section is an original proposition in legislation, relating to the power of the States. That simply relates to oleomargarine in original packages coming into a State.

Mr. DAHLE. I have heard that you are the one considered the most responsible for the introduction of the Tawney bill.

Mr. ADAMS. I say if any one man is responsible perhaps I should be charged with that responsibility.

Mr. DAHLE. Then, suppose we should recommend to the House a bill, and it would pass a bill without any tax, then would you go before the Senate committee and plead for the same bill?

Mr. ADAMS. I would advocate any bill imposing a 10-cent tax on colored oleomargarine, regardless of minor details.

Mr. DAHLE. But what if the committee recommends and the House passes a bill exactly like the Henry bill?

Mr. ADAMS. I shall indorse it.

Mr. DAHLE. Before the Senate committee?

Mr. ADAMS. Certainly.

Mr. Chairman, I have been held here and occupied more time than I intended to take up by reason of the questions and discussion of the committee. I wish to express my appreciation to the committee for the consideration which I have been given, and in closing I want to submit here in behalf of 133 representatives, editors and proprietors owning 133 agricultural papers in the United States, petitions asking for the passage of a bill imposing a 10-cent tax on oleomargarine colored in imitation of yellow butter.

Mr. DAHLE. Do they ask for the passage of any particular bill; is not the name "Grout bill," for instance, mentioned?

Mr. ADAMS. Yes, sir; these petitions are for the passage of the Grout bill. These petitions were sent out—these blanks—and returned signed before this Congress assembled, before any bills had been introduced.

Mr. HENRY. Perhaps before going any further I ought to say that several members here were not present when we made the change in the order of the hearings. There is to be no hearing to-morrow. The hearing assigned for to-morrow will be held on Wednesday; and the executive session that was to have been held on Wednesday will be held Thursday of this week.

Mr. SCOTT. Let me suggest, in view of the change that has just been announced by the chairman, that if there are other gentlemen here who wish to be heard on the affirmative side of this bill we might hear them to-morrow.

Mr. GROUT. I am obliged to the gentleman for the suggestion; it is what I was going to suggest.

Mr. SCOTT. Would it suit you to come here to-morrow?

Mr. GROUT. It would suit me exactly. I noticed the master of the National Grange here, and I presume some others are here who will wish to be heard.

Upon motion of Mr. Williams, the committee decided to continue hearings to-morrow (Tuesday), January 21.

(Thereupon, at 12.30, the committee adjourned until to-morrow at 10 o'clock a. m.)

TUESDAY, *January 21, 1902.*

The committee met at 10.45 a. m., Hon. J. W. Wadsworth in the chair.

The CHAIRMAN. Who is the first gentleman the committee agreed on yesterday to hear this morning?

Mr. GROUT. The master of the National Grange is present and desires to be heard, and we have been conferring as to whether or not he had better speak first. He says that he will only occupy ten minutes, and I will let him proceed.

#### STATEMENT OF MR. AARON JONES,

*Master of the National Grange, and a member of the legislative committee of the National Grange.*

Mr. JONES. Mr. Chairman and gentlemen, I come in here as a farmer, that having been my business all my life. I have been and am engaged in cattle farming and stock growing. I also represent the National Grange, an organization of thirty-five years' standing; an organization that has subordinate branches in forty of the States of this Union; an organization that is thirty-five years of age. We have in membership something over 500,000 of the farmers of the United States. Our membership is composed of all classes of men engaged in agriculture—those that are engaged in dairying, those that are engaged in stock growing on a large or small scale, those who are horticulturists—in fact, the entire branch of agriculture. Our organization represents the only national organization of farmers in the United States. It is entirely nonpartisan in its organization. Our organization is established for the purpose of promoting the interests of agriculture.

This matter of the protection of the farming interests of this country we have considered from the standpoint of the best interests of the agricultural classes as well as the best interests of the citizenship of this

country. We have given very much thought and attention to this protection of the dairy interests, pure food, unadulterated foods, and the sale of commodities for what they are. We believe to-day that the best interests of the people of this country are to prohibit or prevent any of the adulteration of the food or medicine products of this country. We believe that every article ought to be put upon the market and sold for what it is and not what it may represent in appearance. We have been decidedly from the beginning opposed to the oleomargarine people coloring their products in imitation of butter.

I was present yesterday and listened to the remarks of Mr. Adams, from Wisconsin. I do not care to annoy you or take your time by going over the arguments that were made by that gentleman. I indorse all that he said upon the question; it is right along the line of the conclusions that our organization had reached.

Now, I want to say that we hold annual sessions, representing the various States of this Union, to take into consideration the measures that we believe will promote the general welfare of our people and of the country, and, among other things, for three consecutive annual sessions we have been demanding of Congress the passage of a bill embracing the principles involved in this Grout bill. In twenty-seven of the States of this Union the State granges have also indorsed the principles represented in the Grout bill. We have branches to the number of 4,000 subordinate granges, scattered in forty States of this Union, meeting in their neighborhoods and counties, that have considered, indorsed, and urged the passage of a bill embracing the principles of the Grout bill.

We have county organizations to the number of 1,500 scattered all over this country from the Atlantic to the Pacific coast. I want you to understand that this membership is composed of Democrats and Republicans, and men of all shades of political opinion and all classes of the farming population. We have 1,500 of those organizations representing counties that have considered in detail this bill, and have urged and memorialized Congress for the passage of a bill embracing this principle.

Now, we believe that the farming interest, that is the producer of 70 per cent of the wealth that goes into the channels of the trade of this country, we believe that our interest, as represented by the dairy and the cow, is a vast interest, and we believe that Congress should protect us from the adulteration or the imposition of a bogus article being palmed off on the public for the genuine article. We believe that it is injurious to the markets of this country and injures our business, and that we are entitled to protection at the hands of the Congress of the United States.

We believe that this bill embraces that protection, and with a unanimity that we have never had upon any other measure we come to Congress asking that this bill become a law, and we hope—we believe—that the justice of the members of Congress, representing the entire people, will recommend the measure that is now pending before you, for the principle involved therein. We believe that the 10-cent tax upon colored oleomargarine will give us that protection, and we hope that your committee will recommend to Congress as unanimously as may be such a measure, and we believe it will become—hope it will become—a law of this country, and we believe and hope that it will be enforced, with the view so that when the purchaser goes and buys he

knows just exactly what he buys, so that the consumer when he goes to a hotel, and there is a thing set before him as an article of food resembling butter, will know that it is butter.

Now, we have not any objection—I want that distinctly and emphatically understood—that we have waged no warfare against oleomargarine manufacturers. We believe that it is a legitimate product. We believe that they have just as good a right to manufacture and sell oleomargarine as we have to manufacture and sell butter. All we do insist is that they have no right to so color and so put upon the market their products, using the good name and reputation of the butter makers of this country, as to get an enhanced value for their products by reason of that action. We believe that it is wrong in principle, and is an injustice to the honest producers of this country and the consumers of this country. We go upon the broad principle that every article that is placed upon the market to-day ought to be just exactly what the vendor represents it to be. We believe that there ought to be severe penalties. If a man is not honest enough to sell the article he makes on its merits, and for what it is, we believe that he ought to be restrained, in the interests of honest men.

I want to say, in my opinion, and from my experience in this country, that if we permit the adulterations of foods of various kinds, among which is the butter product, as that is so easily adulterated, we are striking a blow at the honest dealers of this country. We are striking a blow at the honest consumers of this country. We are striking a blow at the honest producers of this country; and I believe that we ought to have laws that will restrain those that would indulge in those practices, and protect the honest men in every class of business in this country. Therefore we haven't any objection, we urge none, against the manufacturers of oleomargarine; but we do insist that if they will persist in coloring it, then they shall pay such a tax upon it as will make it unprofitable for them to corrupt the trade and injure our business.

I want to say, my friends, without reference to partisanship, that the entire farming population of the United States is scanning this bill. We feel so deeply upon this question that a large majority of our people will remember the position that various members representing them in the Congress of the United States will take upon it, because Congressmen represent us in their delegated capacity. Of the 500,000 membership of our order I am perfectly safe to say that 450,000 of them have made up their minds that their representatives in Congress ought to stand by the interests of the citizenship of this country and protect the poor man as well as the rich manufacturer wherever he may be found.

Now, I have heard the arguments upon the other side, and that the oleomargarine product will give cheaper food for the laboring man. If that is true it will still be cheaper if that product is sold for what it is, and that is how it ought to be sold. Then you will give them the cheapest food that they can have, and that is all right. That is as it should be.

In conclusion, I want to say—because I do not want to take your time, the arguments you have heard upon both sides of this question from beginning to end—its legal phases I do not pretend to know; its effect upon the public I do think I know. I do know the feeling of the farmers of this Republic. I believe that I have a better oppor-

tunity, through our subordinate branches, of knowing what the citizen farmer feels in regard to this measure than almost any other farmer in our country. I do want to say that I do not believe to-day that the men who own the stock of this country—I mean the live stock of this country; I mean the bona fide men who own the heads of cattle and the hogs of this country—I do not believe to-day that there are 25 per cent of them that are opposed to this measure as presented in the Grout bill.

I know, because I am something of a stock dealer myself, and own considerable stock, and have some money invested along those lines. I do not believe for a moment that the stock grower—the man who owns the bovines of this country—I do not believe that it is in their interest that these oleomargarine manufacturers be allowed to color their products. I know that we embrace in our organization some of the ablest representatives of the stock interests of this country, and when they have viewed this matter in its broadest sense they all come to the conclusion that it will not affect the value of the sale of stock, that men who use the products of the cow and of the hog in the manufacture of oleomargarine should be compelled to let it go upon the market for just what it is worth.

Now, I want to say that we last year sent to Congress—and the year before, too—petitions representing 500,000 names that went into the Congress of the United States asking this. I know this because my clerks tabulated these names, and they are perhaps upon the file in the archives of the Congress of the United States to-day, and they represent the honest farmers of this country. I say honest farmers, and you may take exceptions to that. I do not claim that the farmers are any honester than any other men. I do not want you to get that into your minds. But I do claim that there is a large element of honest men in this country that do not want to come into competition with adulterations. I could branch out on all the great questions of adulteration in this country—how our markets have been taken away from us, how our orchard products have been taken away, how our maple sugar and sirups have been so adulterated as to take away the value of our property. Our incomes have been shrunk by these adulterated products put upon the markets and sold. I met a gentleman from Illinois on the train who told me that he was representing—supposing I was a traveling man for a commercial house—a concern that was selling adulterated sirups, and maple sugar, and that sort of thing. I know that is a fact, that that is done. It seems to me that the Congress of the United States ought to unite with the legislatures of the various States and inaugurate a period when every man selling an article should be brought up to a certain line of honesty, and if he doesn't do it, then give him the penalties that any other man receives when he obtains money under false pretenses.

As a representative of these patrons of husbandry—500,000 of them, all over this country—I want to say that we are ready to subscribe to that doctrine. Bring us to the line. If we sell you an article that does not prove true to our representations, we are willing to stand the penalty. Make them as strong as you will and we will stand by them. I am willing to say that when we put any article on the markets of the country we do not want the stuff to be good on top and bad in the center or at the bottom. There should be no difference on the top of the tub from the center or the bottom. If you find we are deceiving the



purchaser by any representations, we ought to suffer the penalty, and we are willing to do it. We are asking nothing for our protection in the way of penalties that we are not willing should be imposed upon us if we violate the law.

My compeer, Mr. Batchelor, of New Hampshire, was here, and Mr. Norris, of New York, representing the organization in the State of New York as well as a member of the legislative committee. We have 70,000 members in the State of New York. He is here to-day to speak for the New York interests on this bill.

I believe, gentlemen, that you are all honest men. I believe that what you want is simply to reach a conclusion that will give the citizenship of this country an honest and fair article in the commerce of this country. I want to tell you, my friends, that the time has come when the American people want to get back to the good old system of doing business that is square and honest between man and man. So whatever we undertake we insist that the man that sells us the article must make his representations true and right. This is the principle upon which this Republic has prospered in the past; it is the principle upon which it will prosper and must prosper in the future. We do hope, gentlemen, that you will so recommend a bill to Congress as that it will meet the approval, as I know the measure involved here will, of ninety-nine one-hundredths of the people of this Republic.

The CHAIRMAN. Which Grout bill do you favor? There are two of these modifications of the Grout bill.

Mr. JONES. We favor in our petitions that are on file here the best bill, that would give us the protection that we desire. I think that is the Grout bill providing for 10-cent tax on colored oleomargarine and a quarter of a cent on the other. This is where our record stands upon this measure.

Now, I want to say that we believe that the kernel and gist of this whole matter is in this 10-cent tax. Individually and personally I have never seen any argument for the quarter of a cent tax. I do not know why it is there. There may be something in the administration of the law that makes it very important that it remain in. If there were nothing in the administration of the law requiring it, I would, as an individual, rather favor the 10-cent tax and a perfectly free manufacture of the genuine oleomargarine. That would be my theory personally. But our order, our people, 450,000 names that I have sent to Congress, all favor the enactment of the principles set out in the Grout bill, which provides for 10 cents per pound tax upon the colored oleomargarine and the quarter of a cent tax per pound upon the other.

It is upon that record that I stand. Yet, gentlemen, we only ask you in your wisdom to present such a bill to Congress as will give us protection along this line, and we do not believe anything less than the 10-cent tax would give us that protection. Upon the other matter we are not insistent. But we would favor, if there is an equal chance of getting it through the Senate of the United States, and there is nothing in reference to administration that would prevent it, the regular Grout bill.

The CHAIRMAN. Would you object to an amendment to that bill preventing the coloring of butter?

Mr. JONES. Preventing the coloring of butter? Why, that is the natural color of butter.

The CHAIRMAN. I don't say the natural color, but coloring butter any color? You know that butter is colored?

Mr. JONES. Sometimes butter is colored.

The CHAIRMAN. Ninety-five per cent is colored. Would you object to that as an adulteration of butter?

Mr. JONES. I think that would raise a complicated question that would be very difficult to be managed, and would give us a great deal of trouble. Personally I am opposed to the coloring of butter. I believe that a man ought to so feed his cattle that the product of that cattle, whatever it may be—I think a man that understands the dairy business can feed his cattle so that the butter, without any adulteration or coloring matter in it—will be the right color.

The CHAIRMAN. I am a manufacturer of butter myself; I have a half interest in the two large creameries in western New York. We color every pound of the butter we make; we are compelled to do it to meet the demand of trade, because creamery butter, which is the butter of commerce, varies in color every day in the year for this reason: It is made from the milk of different breeds of cows, raised on different pastures and fed on different feed in the winter time, just as each farmer's notion prevails. We have found in the practical manufacture of butter that it varies every day in color, and we have found it impossible to place that butter to supply regular customers, because they said we were putting butter on them that we had not made. So we have found it necessary to color butter from June to June. Representing the National Grange, would you be willing to agree to an amendment preventing the coloring of butter?

Mr. JONES. We would object to that, of course.

The CHAIRMAN. Why?

Mr. JONES. I will tell you why. You are simply making a uniformity of your article when you color butter; you are not changing your product. It is still the butter of the cow. You are simply making a uniformity to this article. You might suggest the same thing in coloring cloth, or anything of that kind. You are making a cloth and you color it to suit the taste of the buyer. If you were to change it and put something else in there, so as to make the substance different, and cover that up by putting the coloring matter in it, that would be a fraud; but you are not doing that.

The CHAIRMAN. Is it not a fraud to some extent to sell colored butter in December and January, at which time of the year the butter if not colored would be nearly white?

Mr. JONES. No, that is no fraud.

The CHAIRMAN. I am perpetrating it, I admit, if it is a fraud.

Mr. JONES. No, I do not think it is a fraud.

#### STATEMENT OF HON. W. W. GROUT.

Mr. GROUT. Mr. Chairman and gentlemen of the committee, Mr. Jones, the master of the National Grange, has presented this question from the aspect of the class represented by him, the producers of butter, and his appeal is a powerful one; it is an unanswerable one, really.

But what chance has a farmer with a few cows against the oleomargarine factory, that can turn out ad libitum butter made out of beef tallow and hog's fat, with cotton-seed oil, what chance has the farmer

against that kind of competition? Our friend who has just sat down is asking to have the farmers relieved of that competition. It is an unconscionable and an unjust competition, especially when he colors it like butter and puts it on the table as butter, and it usurps the place of of butter, and it replaces to that extent the product of butter. It is a big question from the standpoint of the men whom the gentlemen represent, and that is the producers of butter throughout the country. You can see that the farmer with the mortgage on his place, seeking to educate his children and keep soul and body together, would stand a poor chance with a few cows against the oleomargarine factory; and it is from that source that comes the citizenship of the country—from the farmers. Now it is entitled to protection.

He also hinted that there were other claims in the case. There are. Here are the consumers, the number of which is far larger than the number of producers, that are equally interested. They do not want to pay the price of butter for an article that turns out to be beef tallow and hog fat and cotton-seed oil. But they are doing it continually throughout the country; there is no question about it at all. I am not going to stop to prove that, because I have no time, and there are points that I think are more vital. I am not going to stop to prove that, because it has been abundantly presented over and over again to this committee and to the Senate committee. In fact, it goes without saying that colored oleomargarine is a fraud. It makes its markets as butter. Not alone through the retail dealer—only, in fact, to a very slight extent through the retail dealer.

Its principal avenue for disposition, or avenues for disposition, are the hotel, the restaurant, and the boarding house throughout this whole country, and you can not strike a hotel west of the Alleghenies and south of the Ohio River in which you will not be likely to strike oleomargarine. The chances are nine out of ten that you will strike oleomargarine there. The oleomargarine factories have a complete list of the hotels, with whom they deal directly, ship their product directly to them, and they work it off on their unsuspecting guests. They have, as a matter of less consequence, a list of restaurants and boarding houses and the like, and they deal directly with them also. It is through that mediumship that oleomargarine is principally marketed. The whole public is interested in it. This does not obtain throughout the East to any great extent.

Up in Pennsylvania a gentleman, a professor in a college, the other day, who attended the dairymen's meeting in Pennsylvania, told me that they found themselves fed, attending the dairymen's meeting there in Pennsylvania as they were, with oleomargarine. The hotel was giving them an article which proved upon a close analysis to be oleomargarine, and a prosecution followed, and the hotel keeper was brought to account, and paid his fine, or at least the matter was brought up in court. That is done to a considerable extent in Pennsylvania. I do not think it is at all to the discredit of my friend Wright, because I want to say in connection with this that the delegation of Pennsylvania has stood up for some measure that would prevent fraudulent dealing in oleomargarine right along; they have been in favor of this legislation. But the fact of it is that the fraud goes on in Pennsylvania, and this was right where they were holding a dairymen's meeting that oleomargarine was palmed off as butter fraudulently. It simply illustrates the situation. I am not going to dwell upon this

particular phase of the case, because this has already been shown. Everybody knows it.

The question is, What is the remedy to prevent the working off of oleomargarine upon the public as and for butter and at the price of butter? The question is, What is the best remedy? My friend Mr. Jones touched upon it. It is simply by taking away—I won't say simply, but it is in large part—the large profits of the business, which would be done by imposing a 10-cent tax upon the colored article, which is the article which practices the fraud, because the article itself is not an active but a passive tense. The colored article is the article that practices the fraud, as I have said. The remedy consists largely in taking away the profits. How are you going to manage to do it? You may study the problem in any phase you choose and you can not find any plan except by imposing a tax. We are not discussing the taxing power. It is supreme and we do not need to discuss it. It can be taxed to any extent—out of existence if need be. The taxing power goes to that extent. But it is not thought to exercise it to that extent here, not at all; this proposition stands upon a rational basis of letting this industry fight as an honest industry. If a man produces uncolored oleomargarine and markets it as such he has a chance under this bill, and there is no disposition to crowd such an industry out.

The bill stands upon that basis; it does not stand upon the basis of the tax on State bank bills or upon laws of that character meant to drive the State institutions out of existence in favor of a national institution, which legislation was passed a time since—not at all. It does not go to that extreme. It is tender to the oleomargarine interests. I am referring to the bill as it is presented to the committee and as it passed the House last session. That gives the uncolored oleomargarine a chance in the channels of commerce.

The profits on this are enormous, my friends. They are beyond conception, almost. It does not cost over about 8 cents a pound, unless the ingredients of oleomargarine have increased in value lately. I know that it did not cost over 8 cents a pound a year ago to manufacture oleomargarine with the prices that then existed for the ingredients that go into oleomargarine, not over 8 cents a pound to produce oleomargarine, tax and all paid—the 2-cent tax paid. Eight cents a pound would cover the entire expenditure at that time. Now, it is worked off, as you see, through the hotels and through restaurants and other mediums, as butter, at the price of butter, and at from 18 to 25 cents a pound. You may call it, if you please, 23 cents a pound. Then take the cost—8 cents a pound—and you have 15 cents a pound profit on every pound of oleomargarine. How much oleomargarine was manufactured in 1899?—104,000,000 pounds, my friends.

That much stamped and put in circulation. More was made, as a matter of fact, but it was not stamped and issued as oleomargarine. That means \$15,000,000 profit between the cost of that product and the price paid by the consumers. Think of it! \$15,000,000 clean profit! Why, what a power that represents in the way of working that fraudulent article off for butter! I won't say "Take all those profits away," because there ought to be a profit. I am speaking of the actual cost—8 cents a pound. A factory may be well entitled to a small profit; but take off \$10,000,000 of that profit, as this tax would, assuming that they go on manufacturing it. As a matter of

fact, they won't do it; the moment the profit is taken off, the business is gone; and they will quit the business of marketing colored oleomargarine. But take off the \$10,000,000 profit and you will have four or five million dollars for the manufacturer and the man who vends it as profit, and the middleman, too, who disposes of it, which is ample profit for an honest business.

My friend here yesterday said, What surety is there that they will not go on manufacturing colored oleomargarine and selling it for butter? It lies here. The profit is gone; they won't take the fearful risks of running up against the anticolor law. Thirty-two States prohibit the sale of colored oleomargarine in the form of butter; prevent its manufacture or sale. They won't dare run up against those laws for the meager profit that is left. It is like the goods of the counterfeiter. You let a counterfeiter make silver dollars, and let him go to a man who shoves it out and say "Here are \$100. You can put them off on the public. Give me \$75 for them." That man will refuse; the profits are too small. He won't take that risk. But let the counterfeiter say "Here are \$100; give me \$10 for them. That will be \$90 clear for you."

There are a good many men, then, who would be overcome by that temptation—more than we know of. Here is a temptation to make a profit, you see. That man takes the hundred counterfeit silver dollars and takes his chances in working them off. That illustrates the situation here in reference to the oleomargarine question.

Mr. ALLEN. What incentive do you think the money already invested in the manufactories would be in furthering the fraud in selling oleomargarine?

Mr. GROUT. There is nothing like what they pretend invested in these factories; they are not costly establishments. They might turn their works to the production of the uncolored article. We have been told by Mr. Adams that there is a considerable sale of the uncolored article in his State, and very likely there would continue to be a sale of the uncolored article. We have no fault to find with that. There will be fewer factories, however, than there are now; the number will be greatly reduced, for the present at least. I do not know how this business—I mean the honest business, the uncolored business—may grow ultimately, how many factories it will require; but they will be diminished in number to begin with. There is the guard, my friends, although not wholly. It lies principally in the first section of the bill that puts this stuff under the control of the State laws, as it goes from one State to another. That bill was introduced by myself in the House—the first section of this bill as a bill by itself—away back, I think, in the eighties, or it could not have been later than 1890.

The CHAIRMAN. I reported it from this committee.

Mr. GROUT. But that was three Congresses ago. It had been introduced by me several years before that—three or four Congresses previous to that. It is true it was reported by you, but that was not the first time it had been introduced.

The CHAIRMAN. I think it was the first time it passed the House.

Mr. GROUT. Yes, the first time it came out of this committee.

The CHAIRMAN. And passed the House?

Mr. GROUT. Yes; and that was the fourth Congress back from the present one that that passed the House. But it was introduced away back in the nineties. The remedy lies partly in that, because that gives

sanction to the anticolor laws of the States, so if this stuff comes in it can not be sold at all. The States say that, we do not say it; thirty-two States say that. I wish I had this assorted so I could name each State, for each one of you gentlemen, almost every one of you, I presume, represents one of these States that has absolutely prohibited the sale of colored oleomargarine in the State. But there is the Interstate Commerce clause that goes to the extent of claiming, or certain parties do, under it, at least—that in the original package it can be given one delivery before the laws can take hold of it. Then the mischief is done, smuggled off into the hands of the fellows who can remove the marks and so on and work it off as butter. This gives control simply when it comes into the States. That first section of the bill is an expression of the Supreme Court in the Plumley case, in the eighties.

The CHAIRMAN. In the nineties, I think.

Mr. GROUT. The Plumley case?

The CHAIRMAN. Yes.

Mr. GROUT. I am not sure of the date, but I think it was early in the nineties.

Mr. ADAMS. 1894.

The CHAIRMAN. December 10, 1894, is the date of the Plumley case.

Mr. GROUT. Here is the basis on which I reason, because this bill was introduced by me as the outgrowth of that case. I stand corrected as to the date. I was under the impression it was earlier, but I had not familiarized myself with the date. However, that is not material. At least this bill was put in to give the States control, so that they would have control, and I was under the impression that it was not until after the Plumley case was decided; but it must have been before that, because I introduced it several Congresses before it was reported, as the records of your committee will show. If you will refer to them and if the clerk will be kind enough to see how early that was, if it would not trouble him too much—but perhaps the books are gone; never mind. I think it will be found it was away back around 1890, and I had it in mind that it was in the eighties. That is not important.

There in part is your remedy, because it gives full play to those anticolor laws which the Supreme Court has given play to. It was by a divided court. And other minor courts and United States courts have given play to those laws. But there are other decisions the other way. A case from Pennsylvania from the circuit court went up upon some such same ground. The opinion of the court in effect contravened this decision. And then in the Supreme Court it was held in such a way as to really contravene this decision. That was the Shellbarger case. That is my judgment, and it is the judgment of a good many good lawyers. So to fix this not only would we have that decision until it was fairly overruled by the Supreme Court, but in the dairy interests and in the interests of the consumers of butter it was thought best to put this under control of the State laws, and so the first section provides for that. There in part lies the remedy.

So with those two provisions, the States taking up the matter after their own fashion on the anticolor laws, and the Government being sure to have their 10-cent tax, their will be a remedy. It is a little like the darky fixing the trap for the coon so that he would get the coon whether he was going or coming. With these provisions it is likely that colored oleomargarine will be a thing of the past.

Mr. GRAFF. I wanted to ask you whether you agree with Judge Springer in the statement which he made the other day that the Grout bill will give the Federal courts jurisdiction in prosecutions under the different State laws, and if so, to what extent?

Mr. GROUT. I have not studied that question of jurisdiction and I would not undertake to say, but I should suppose—well, we know the Plumley case came up on a State law.

Mr. GRAFF. But that probably came up on a question where the question of interstate commerce was directly involved.

Mr. GROUT. Yes; that is true.

Mr. GRAFF. But certainly the Federal courts could have no jurisdiction—

Mr. SPRINGER. I made a mistake in making that statement, except that it would raise a Federal question upon a State case.

Mr. GRAFF. It will not give the Federal courts jurisdiction in State prosecutions, unless it be a case where the interstate-commerce question is the main feature of the case.

Mr. SPRINGER. It could only be brought into the Federal courts by reason of this law which would make the State case a Federal case subject to appeal from the last courts of your State to the Supreme Court of the United States.

Mr. GROUT. Yes; I would suppose that where a Federal question was fairly involved the Federal courts would take charge of it.

Mr. GRAFF. But the fact that the Grout bill recognizes these State laws would not give the Federal court jurisdiction excepting it was a case where a question of interstate commerce was involved, because this bill does not reenact. I thought perhaps that Judge Springer was not exactly fair in that. He gave us the impression that the Grout bill was a reenactment by Congress of different State laws.

Mr. GROUT. Not at all.

Mr. GRAFF. The Grout bill simply says that in interstate commerce, after the product has been carried by interstate commerce from one State or Territory into another, that immediately upon the arrival of that article that has been shipped into another State that it becomes subject to the State laws of that State.

Mr. GROUT. That is in accordance with the decision of the United States Supreme Court in a question arising in a liquor case from South Carolina under the Wilson Act, so called, in which it was held by the Supreme Court that Congress had this power to remit this question to the State.

Mr. HASKINS. That same question was decided by Justice White in a recent case.

Mr. GROUT. That was the case.

Mr. HASKINS. In January of this year.

Mr. GROUT. Then that is not the case.

Mr. HASKINS. He expressed a difference between the Shellabarger case and the Plumley case, and the reasons are given; one of those arose under the interstate-commerce law and the other under—

Mr. GRAFF. This is my question. Suppose there was an infraction of the State law having no connection with the question of interstate commerce, and the question was appealed to the Supreme Court of the United States. The effect of the Grout bill would not be to enable them to appeal it.

Mr. GROUT. No, it would give them no jurisdiction whatever, as I understand it.

Mr. GRAFF. Nor would it enable them to commence proceedings in the Federal courts.

Mr. GROUT. But if they did the Federal courts are supposed to be courts of justice.

Mr. SPRINGER. I would just like to make this statement so as to put myself right. There are other questions involved in the manufacture of oleomargarine and its sale and the question of interstate commerce. One of the amendments to the Constitution denies the States the power to make any discriminations between individuals in their civil rights, and also would prevent a State from denying any citizen the equal protection of the law. Those questions all become Federal questions, so as to bring the cases to the Supreme Court of the United States under the first section of this bill.

Mr. GROUT. Now, then, Mr. Chairman and gentlemen, what I think is that between these two aspects of the case—the State laws on one side, the 10-cent tax in the hands of the Government on the other—colored oleomargarine will be a thing of the past. It ought to be, because when allowed to assume that garb it can not help going out to cheat. The temptation has been so great without that 10-cent tax that that has been the result. The Lord's Prayer says, "Lead us not into temptation;" but here we leave before the individual one of the greatest temptations—monstrous profits. As a matter of morality in legislation we should take it away, my friend; we should withdraw the temptation. It is too great for ordinary human nature to stand up against.

Mr. GRAFF. May I suggest another quotation from Scripture: "Thou shalt not bear false witness."

Mr. GROUT. Certainly; you can quote the whole Decalogue in favor of this bill. I had not studied it in that light——

Mr. GRAFF. If you are familiar with it.

Mr. GROUT. That is well, too.

Mr. ALLEN. Holy writ also says: "Let him that is without fault first cast the stone."

Mr. GROUT. Yes; that is very good, but not in the Decalogue. That was in the case of a woman.

Mr. ALLEN. It applies all around, though.

Mr. GROUT. Very likely; yes. It is good law everywhere. So much of that aspect of the case. I did not intend or think to dwell upon it very much to begin with. I felt it was of more consequence, because I felt you were grounded in all these things; and you are; they become first principles with you; they do not need discussion; they do not need emphasizing; they are with you always. It is something that you have to provide against. The question is a remedy. I think we have suggested a remedy that is rational, that is fair to all interests—to the consumer and to the producer of oleomargarine. It does not press him. We leave the one-quarter of 1 cent tax per pound there as an encouragement; we reduce the present tax 2 cents a pound as an encouragement to produce the honest article.

I now want to come to the terms of this bill, because I believe just now there is more consequence attached to that than to other questions, because they are already settled in the minds of everyone. Now, how should you have this bill fashioned? You have seen the necessity of



the first section; nobody attacks it. The question is in regard to the second section. Some want no tax at all on it; they say strike out the tax altogether. "Let them have it entirely free;" that is what they say.

The CHAIRMAN. If you did not have any tax how would you have any restriction over it?

Mr. GROUT. You would have that question in the courts right away—the very thing I was going to say. It might be that the license might be held to be a tax, but I do not believe they would hold so. My brother Springer would be there with his felicitous expression and his felicity of expression, and would say that was not a tax on the product but simply a tax on the privilege. He would say there is no tax left on the article, and so you can not put your hand on that, and there would be excellent ground for claiming that before the Supreme Court. But it is my opinion when that got up there that they would say that is a sufficient tax to hold it.

But there is a grave question that you are confronted with incidentally. You have punctured it, incidentally, if you take the tax off. You ought to leave it there so you will have, unquestionably, jurisdiction over it for one thing, and then, besides that, you want to be sure that this business washes its own hands, that it furnishes the Government sufficient revenue to pay the cost of administering it. You will have to have ten inspectors when this bill becomes a law where you have one inspector now, to guard against the surreptitious and clandestine and fraudulent coloring of oleomargarine. And here is an article which they want to put out uncolored. You have got to stand over it every instant of the time, day and night, from the time it comes out of the oleomargarine factory, out of the mill, from the time of the process of amalgamation until it gets to the consumer, to see that it does not become fraudulent.

Mr. ALLEN. You would think, then, that the inducement would be to the manufacturers?

Mr. GROUT. Yes, sir; to everyone along the line, not to the original manufacturers.

Mr. ALLEN. I am talking about the original manufacturer.

Mr. GROUT. No. There would be an inducement to everybody along the line from the time it leaves the oleomargarine factory until it is consumed, because the facilities for substitution of this product are great, and where the temptation is so great to do it, I tell you they will show you many a trick you have not dreamed of with reference to the coloring of that stuff in one way or another before it leaves the factory. But you have to watch it, too, after it leaves the factory; you have to keep up your inspection, and it would take ten inspectors where it takes one now. I presume we may double that number even. You want revenue sufficient to pay for that. I am not certain that the quarter of 1 cent per pound will do it; I am not certain it will, and I have regretted, my friends, that I reduced this to one quarter of 1 cent per pound.

That was my idea, that was my conception, if you will let me be personal for a moment. No man breathed it to me, but that came from my own inner consciousness. I said when I drew this bill, "I will frame it so the oleomargarine folks can not claim that we are trying to wipe out an industry. I will show them that I am willing to deal justly by them. I will disarm them on the part of that argument,

for I can satisfy them, if they are fair-minded men, that all we want is fair." And so I said, "I will reduce the tax," and I am afraid I reduced it too much. If I had it to do over again, in the light of experience and observation, I would cut it right in two, but I would not more than cut it in two, anyway.

Mr. ALLEN. Right there. I believe the retail dealer does not pay any tax?

Mr. GROUT. No.

Mr. ALLEN. He pays a license instead?

Mr. GROUT. That is it. That is in the nature of a tax.

Mr. ALLEN. How are you going to inspect him?

Mr. GROUT. If he is suspected of coloring his stuff—and I will tell you he will be suspected of it, and it will be true, too, the suspicion will be well founded—the inspector goes to him and says to him, "Mr. A. B., give me \$500." Is that the wholesaler's license? No, that is the manufacturer's license.

The CHAIRMAN. Six hundred dollars.

Mr. GROUT. He will say, give me \$600 right away; take out your license as a manufacturer. That is what he would say to him. And the inspector has to be around and see that he attends to it. He would say, "and then pay 10 cents a pound for every pound of this stuff that is colored; you are a manufacturer." And the courts will hold that way.

The CHAIRMAN. That examination, however, is not a precedent for the selling of the article.

Mr. GROUT. Ah; but to inspect this stuff and to keep it straight is going to require a large force, and I am afraid that one-quarter of a cent per pound will not do it, and if I would suggest anything it would be this: It would be a shame, gentlemen, it would not be to the credit of anybody, to change this law which now produces \$2,500,000 of revenue a year so that this business would become a charge on the Treasury, so that the honest consumer of butter would be taxed, directly or indirectly, to support this. So, I say, Mr. Chairman, that this one-quarter of a cent tax should be adhered to. You can not abandon it, because I am afraid the license on the few establishments that would be left would be too little to meet the expenses.

Mr. ALLEN. There has been a suggestion to reduce the license of the retail dealer.

Mr. GROUT. No, I would not do that. This reduction of the tax which I am responsible for I feel went too far, and I want to cast an anchor to the windward right here and now, and it would not displease me at all if you gentlemen put a larger tax upon it; but the thought in my mind was to get that bill through. I knew we would have the world, the flesh, and the devil to contend with on the other side. That is a strange thing, but I have slept with this oleomargarine question ever since the first bill was passed and I know something about it. I have had to do with oleomargarine in one form or another ever since I came to Congress.

The CHAIRMAN. You may have slept with it, but you do not seem to have imbibed much of it.

Mr. GROUT. And I wanted to make that sure. It was so that nobody could say that there was not any purpose on the part of Congress or the framer of this measure to crush out a business. But we should keep that one-quarter of a cent tax there. There are other reasons why that should be done, but my time is short—

The CHAIRMAN. That would yield about \$600,000 revenue at a quarter of a cent per pound tax on the basis of last year's production. You do not think that would be enough for the expenses of the business.

Mr. GROUT. Have you any idea that 104,000,000 pounds will be produced under this?

The CHAIRMAN. I say on that basis that would be the revenue.

Mr. GROUT. You may divide that by ten, if you please, right straight off. That is what you may do and then make your calculation on that. We have to calculate upon the reduced number of the oleomargarine factories, the reduced volume of business, and everything else. To be sure, if you went on with your 104,000,000 of pounds production that would be enough revenue, but the fun will probably be taken out of this when you pass your 10-cent tax and have this under the control of the State anticolor laws, because they absolutely prohibit the manufacture and sale of colored oleomargarine. What State are you from? (Addressing Mr. Allen.)

Mr. ALLEN. Kentucky.

Mr. GROUT. Have you not an anticolor law?

Mr. ALLEN. We have an anti color law prohibiting the imitation of butter, but it does not say what kind of butter?

Mr. GROUT. Ah—

Mr. ALLEN. I want to say to you there that I do not know of a prosecution that has taken place under the law in our State.

Mr. GROUT. Perhaps not. That is the trouble here, there, and everywhere. When the oleomargarine factories back their production with a check, saying to the retailers, "Take this stuff and sell it and we will stand between you and harm," then the Kentucky legislature, or any other legislature, has to appropriate a large sum of money to cope with that sort of business. There has to be a public sentiment back of it sufficient to make the appropriation that is necessary to enforce the law. I want to say right here that only one State in the Union comes up very close to the enforcement of this anticolor law. In our State we have the law, and they do not bring in any stuff to speak of—not enough to notice—and it is so with the New England States generally.

Rhode Island is in the business, and she radiates something of a little business, but nothing to what it is in the West. Wherever this business goes you see it carries with it this fraud, no matter where it may be. But I was about to say that New York is the only State that does this work properly. They do what? They appropriate a hundred thousand dollars annually, and \$60,000 is laid aside for the special enforcement of the law against oleomargarine. What State wants to bear that burden? That is the trouble with Kentucky, where the law is not enforced. In Pennsylvania they are making a desperate struggle with it; and I told you what the professor from Vermont University, who was attending the dairymen's meeting in Pennsylvania, said to me about it. He said that they had oleomargarine on the tables where some of these dairy people were being entertained. Pennsylvania is full of it, and I claim it exists in New York, although you tell a New Yorker that—here is a New Yorker and he shakes his head.

Well, they do it pretty thoroughly there. I want to say something in praise of the State of New York and the way in which they have tackled this question, the way in which they have gone down into it

pockets of the taxpayers and taken money to fight this fraud in the interests not only of the producer but in the interests of the consumer. The fight they have made has been in favor of an honest article, and I want to say that New York has done splendidly in keeping down the fraud in that State. But still, even in New York, farm wagons come across from New Jersey and on the pretense of selling pure Jersey butter have sold oleomargarine. That business was running for quite a while before the authorities got onto it. When they caught onto it they riddled it. With the money they have they are able to do that. They have money on the other side. You have to match it with money. You take away these profits, and they haven't got the money on the other side, and then the State legislatures will not have to appropriate these large sums for the enforcement of the laws, and between those two fires it will be so hot that this thing will melt down.

One other thing, in reply to a suggestion of my friend Mr. Allen. He says the law forbids the coloring of oleomargarine like butter, and he says what kind of butter. Right there is something I want to call attention to. I am sorry Mr. Henry is not here, because my friend introduces a word in one of his bills which is otherwise an exact copy of the bill I introduced, and I do not think that word ought to be introduced. Although Mr. Knight has said it was hastily drawn, I want you to understand that it was not hastily or carelessly drawn, not a bit of it. I tried to consider every possible aspect that could arise in drawing this bill. Notwithstanding what he has said, I want to say that it was carefully drawn, and if these things were not carefully considered it was because time enough was not given for its consideration and, as I have said, I have been sleeping with this subject for sixteen years, and I know something about the ins and outs of it.

Mr. SMITH. You ought to have laid awake instead of sleeping.

Mr. GROUT. Yes; some things need sitting up nights with, and this is one of the things. When you prohibit colored oleomargarine you will have to sit up nights to keep it straight. There is one word which is in the Henry bill, which is otherwise exactly a copy of the bill drawn by myself, and that word is "yellow," relating to butter. That word is unfortunate, I think; I believe it is full of mischief.

Mr. DAHLE. Which Henry bill have you reference to?

Mr. GROUT. The second one; the one in which "yellow butter" was put in. When you say yellow butter you fix a standard up to which the oleo fellow can color his butter, do you not? If you say "colored in imitation of yellow butter," he can go up to that limit with his coloring matter.

Mr. ADAMS. There is no color—excuse me; there is no color up to that limit.

Mr. GROUT. Then what do you want to put it in for?

Mr. ADAMS. The gentleman will permit me?

Mr. GROUT. Certainly.

Mr. ADAMS. I wish to say that my understanding is that that change was made in the bill by Mr. Henry in obedience to a suggestion made by Mr. Whittaker.

Mr. GROUT. A food officer in Massachusetts; that is what I understand.

Mr. ADAMS. He, in execution of the dairy and food laws of that State, found that a statute containing that exact provision was much easier of enforcement, and that no question could arise if the statute

provided that this imitation should not be made in imitation of yellow butter. Now, the reason why Governor Hoard and myself and some others have favored this change in the wording of that act is this: That while it would not be a correct construction put upon the law to say that uncolored oleomargarine was made in imitation of butter, yet possibly that might be held, some contention might arise, and we could see no possible harm in incorporating the word "yellow" in the act, so that there could be no question about it.

Mr. GROUT. The very introduction of the word raises the question, and I can satisfy everybody that is so.

Mr. HAUGEN. If you eliminated the word "yellow," would not that legalize the fraud that is now perpetrated in every town in your State? Is it not true that the colored oleomargarine which is now sold, I think, in nearly every town in Wisconsin—and I suppose it is so in nearly every other State—is not yellow, and would that not be legalizing the sale?

Mr. ADAMS. I wish to say that the law of our State includes any imitation of yellow butter, just as it does in Massachusetts, from which we copied our statute, and it was upon the suggestion of the Massachusetts commissioner we drafted our Wisconsin statute. We not only used the word "yellow," but provided that it should not be in imitation of yellow butter, with or without coloring matter.

Mr. HAUGEN. As I understand it, the colored oleomargarine they sell in your State, Mr. Adams, is not the deep yellow of yellow butter, but nevertheless it is the color of butter, and that is sold and sold in violation of law.

Mr. ADAMS. No, sir.

Mr. HAUGEN. Do you permit the selling of colored oleomargarine?

Mr. ADAMS. No, sir. The retailers of our State are selling oleomargarine uncolored, in conformity with the law. Occasionally hotel keepers and restaurant keepers send direct to Chicago and obtain colored oleomargarine, which they sell to their guests for butter, and therein is the violation of the law.

Mr. HAUGEN. I have in my hand a report from H. W. Wiley, Chief of the Bureau of Chemistry of the Department of Agriculture, in response to an inquiry of mine, which I wish to submit to the committee. The four packages indicated in this report were purchased by me in Racine and Milwaukee, Wis., about December 21, 1901.

I also submit a report by Mr. Wiley giving analytical data in response to my request. The ten packages indicated in this report were purchased by me in the city of Chicago about December 20, and purchased by me as pure butter:

[Serials Nos. 11D to 14D, inclusive.]

JANUARY 20, 1902.

DEAR SIR: In harmony with your request of the 9th instant, I have made an examination of the samples of supposed butter received from you labeled 1R, 2R, 3R, and 4R. The analytical data follows:

	1R.	2R.	3R.	4R.
Per cent of water .....	7.95	9.87	5.76	13.32
Per cent of fat .....	85.19	85.26	90.66	82.61
Per cent of curd .....	1.19	.91	.84	1.75
Per cent of ash .....	5.67	3.96	2.74	2.32
Reichert-Meißl .....	2	1.05	28.50	2
Refractive index at 25° .....	60.5	61.8	50.6	56

From the above data it is seen that only one of the samples, viz, 3R, is genuine butter; all the others are oleomargarine. In regard to coloring matter all are colored with a yellow coal-tar dye; 3R, however, has only a slight amount of coloring matter. The other samples are all heavily colored. Under the head of ash is given the mineral constituents of these samples, almost all of which is common salt.

Trusting that you will find the above data satisfactory,

I am, respectfully,

H. W. WILEY, *Chief.*

HON. G. N. HAUGEN,  
*House of Representatives, Washington, D. C.*

JANUARY 16, 1902.

DEAR SIR: In harmony with your request of the 9th instant, I have made an examination of the samples of supposed butter which you sent, marked 1 to 10, inclusive. The analytical data obtained are as follows:

No.	Water.	Fat.	Curd.	Ash.	Reichert-Meissl.	Refractive.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>	<i>Number.</i>	<i>25°.</i>
1 .....	11.12	84.96	1.56	2.36	2.54	57
2 .....	8.20	88.11	.81	2	2.25	59.4
3 .....	11.97	82.93	1.04	4.06	2.76	56.3
4 .....	9.85	85.08	2.11	2.96	1.78	55.5
5 .....	12.25	83.56	1.81	2.88	3.25	56.9
6 .....	11.62	84.51	1.02	2.85	2.65	57.2
7 .....	11.25	84.46	1.87	2.92	5.06	56
8 .....	11.55	84.37	.90	3.18	4.08	55.9
9 .....	9.79	87.14	1	2.07	1.44	59.3
10 .....	10.54	85.55	1.25	2.66	2	58.8

From the above data it is seen that every one of these samples is oleomargarine. Nos. 5, 7, and 8 have a considerable percentage of genuine butter, probably from 10 to 20 per cent. Under the column per cent of ash is given the mineral matter present in the samples, nearly all of which is common salt. The percentage of water is about that of normal butter prepared in the best manner for the market. All of the samples were colored with a yellow coal-tar dye.

Respectfully,

H. W. WILEY, *Chief.*

HON. G. N. HAUGEN,  
*House of Representatives, Washington, D. C.*

MR. GROUT. I am obliged to my friend Mr. Haugen for developing this point. My friend Adams from his standpoint is right enough, but I hold in my hand an article which is uncolored oleomargarine. There is no artificial coloring in it beyond the ingredients that enter into its manufacture. But there was some milk or cream put into it, enough to give it a faint yellow hue. Here it is. If you examine it you will see it is a pale yellow, it is not absolutely white. That is uncolored oleomargarine. When they sell this stuff to work it off as butter they give it a very high color, so as to bewilder the senses through the eye.

THE CHAIRMAN. To satisfy the market it is going to?

MR. GROUT. They color it very highly.

THE CHAIRMAN. They color it exactly as we buttermen color our butter.

MR. GROUT. Not only that, but they put a lot of salt in it to confuse the taste. It is well salted as a rule. They salt it lightly and do not color it very highly sometimes if they have a special order to fill; but if they are to supply it to the hotels they salt it a good deal because the salt is the butter taste, and they do that to disarm suspicion.

MR. ALLEN. Does not their taste demand salt?

MR. GROUT. But they salt it so as to confuse the taste.

Mr. DAHLE. As to the high coloring or low color, would it not appear to you that they would color it high where it is salted as butter?

Mr. GROUT. That is what I say.

Mr. DAHLE. And if they sold it as white oleomargarine that then it would possibly only be a little salted?

Mr. GROUT. It would then only have the coloring which the milk and cream which was mixed in with it would give it.

Mr. SCOTT. Could you distinguish by its color the oleomargarine you hold in your hand from uncolored butter made from the average dairy herd at this time?

Mr. GROUT. No; there is the very trouble.

Mr. SCOTT. Then how are you going to prevent the fraudulent sale of oleomargarine by your bill? Can you do it in any way except by coloring butter?

Mr. GROUT. I will tell you. The oleomargarine fellows under this bill will have no rights, will have no right whatever, if the bill is drawn as I left it and as it was passed last Congress, to use any ingredient, whether it is an integral part of the product or otherwise, which will give it a color like butter.

Mr. ALLEN. They will not be allowed to use milk?

Mr. GROUT. No, sir. They must put out that stuff uncolored, and there is where we have them, if you will stand on that bill; but if you depart from that and say colored like yellow butter, I will tell you how we will get around you, and it is illustrated by the color of these articles right here, to begin with. If you say "yellow butter," I say that that fixes a standard.

Mr. ADAMS. Will you permit me to interrupt you?

Mr. GROUT. Yes; but I am permitting most all the time.

Mr. ADAMS. This does not say colored in imitation of yellow butter, but says made in imitation of yellow butter. Now, whether that is colored by an infinitesimal part of coloring matter, or an ingredient forming a considerable part of the product, yet under the wording of this act it is prohibited.

Mr. GROUT. I will thank you to give me a copy of the Henry bill. I was told that it was just like the original bill of the last session, excepting the word "yellow" was inserted. (After examination of the bill.) This first section is just as it was in the original bill. That is a proviso which we put on in the House, when the bill went through the House, to please Mr. Williams, who led the minority in the fight. My friend the Chairman will remember we conceded that, and that was incorporated in the bill.

The CHAIRMAN. What was that?

Mr. GROUT. That was the last clause in the bill.

*Provided, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter.*

Mr. GRAFF. Now he just adds "yellow" butter.

Mr. GROUT. I am glad to get hold of this bill. Now I have the second bill. Gentlemen, I do want your attention, because I think this is a vital point. In the second section, if you have your bill, will you look at that? In the second section of the bill there is a proviso, and I see that Mr. Henry has changed the language there by putting

in "yellow." I want to say that that language incorporated there is taken right from the decision in the Plumley case, from the supreme court in the Plumley case. It will be exceedingly dangerous to interpolate a word there that would change that one single particle, because the Lord knows where the lawyers would run with it.

That is language taken from the decision of the Supreme Court, and was put in there to please Mr. Williams. I wish he was here; he would remember it. The court there said that it (oleomargarine) had to be free from any coloration or ingredient that caused it to look like butter. That is the language of the Supreme Court, my friends. The Supreme Court knew in that language that butter was yellow, the same as gold is yellow. Suppose you said a thing was the color of gold, what would you say its color was? Do you need to say yellow gold? There never was a piece of gold in the world that did not have some shade of yellow.

The CHAIRMAN. For about nine months in the year butter is very nearly white. On the table there is a fair sample of winter butter, and you say yourself it can hardly be distinguished from white.

Mr. GROUT. I do say so, and I am saying it to show you the danger of putting in the word "yellow." The Supreme Court will say: "What did Congress mean by saying, 'It shall not be colored in imitation of yellow butter?' What did they mean? They must have meant to create a standard, and they must have meant to allow the oleomargarine folks to color their product a little." It is difficult to draw the line. You see it opens the door to that coloring a little, and then they will color it more and more. You put your one-fourth of 1 cent tax on the uncolored article, and then put your 10 cents tax on the colored—not "white made in the form of butter," but "colored"—and then if there is one single particle of coloring they will pay the 10-cent tax, and you have these men right.

Mr. SMITH. If it imitates any kind of butter?

Mr. GROUT. Yes; if it imitates butter.

Mr. SCOTT. Do I understand rightly from your statement that if your bill is enacted—the bill as you originally drew it—it will prevent the use of milk or cream in the manufacture of oleomargarine?

Mr. GROUT. Not necessarily, unless they use enough to give it a color. Let me tell you, they do not use milk or cream in oleomargarine for any other purpose under the light of heaven except to give it a flavor. Otherwise it is a dead, tasteless grease, and whenever they can get buttermilk they baptize it in that to give it flavor.

Mr. SCOTT. Do you understand that this oleomargarine here is made with the use of milk or cream?

Mr. GROUT. Undoubtedly.

Mr. SCOTT. And that is colored so that it is impossible to recognize the difference between it and the specimen of butter you have here?

Mr. GROUT. Exactly.

Mr. SCOTT. In your judgment, if that milk or cream had not been used in the manufacture of oleomargarine would there have been a sufficient difference in color to distinguish it?

Mr. GROUT. There would. I would not say you might not put in a little and yet not have it change its color.

Mr. SCOTT. Supposing the natural color of oleo oil was such that its use in the manufacture of oleomargarine would give that yellow



tint, coloring it sufficient to prevent its being distinguished from certain grades of butter, would you think Congress would be justified in prohibiting the use of oleo oil in the manufacture of oleomargarine?

Mr. GROUT. I think, my friend, that Congress has the right to say that they shall not put up this substitute article with the dress of butter, and they must study their methods as to how they will put it up. They have not any right to take the garb of butter, because they are sure to go out and cheat with it, and that is what we are trying to prevent.

Mr. SCOTT. Suppose it was impossible to manufacture oleomargarine without giving it a butter color; do you think Congress would be warranted in prohibiting its manufacture?

Mr. GROUT. I do, because it is a constant fraud, and it would be intrinsically a fraud. They would not purposely manufacture it so, but they would be compelled to manufacture it so it would imitate butter, and we have a right to stop that kind of a fraud. That is going away beyond where this goes though.

Mr. SCOTT. Not very far beyond.

Mr. GROUT. Yes; you lead me away beyond the picket line. I am perfectly willing to go there with you and follow this thing to its conclusion, because I tell you Congress is after the fraud of coloring this article like butter, and they have the power to do it.

Mr. SCOTT. I ask these questions because it seems to me, from what you say, that the logical conclusion of your remarks is that if it is impossible to manufacture oleomargarine in such a way that it will not look like butter, that then Congress would have a right to prohibit its manufacture.

Mr. GROUT. No; not prohibit it.

Mr. SCOTT. To tax it out of existence?

Mr. GROUT. Yes; tax the right to cheat, that is all; not prohibit it, but put a tax on it.

Mr. SCOTT. I would like to ask—and this is for my information and not by way of cross-examination at all—your view on this item of comparison. You have said that you thought Congress would have a right to tax out of existence a product which could be put on the market as the counterfeit. Do you think Congress would have a right to tax out of existence an industry which manufactures gold plate, for instance, in such a way as to imitate the original article?

Mr. GROUT. That is a hypothetical case.

Mr. SCOTT. It seems to me a very close one.

Mr. GROUT. My mathematics are not good, and then my mental philosophy is not close enough to follow the gentleman.

Mr. SCOTT. I simply insist that if we are going to stamp out one fraud we ought to try to stamp out all frauds, and I should like to know the difference between those two.

Mr. GROUT. When that question arises——

Mr. SCOTT. It has arisen now.

Mr. GROUT. Oh, no; not at all.

Mr. SCOTT. I have raised it.

Mr. GROUT. I say it is a hypothetical case.

Mr. ALLEN. It is conceded, I believe, that milk enters into the manufacture of all oleomargarine?

Mr. GROUT. No, sir; I don't know whether it is conceded or not.

Mr. ALLEN. I ask the question.

Mr. GROUT. It is used in the better grades. I have no doubt that in some of the inferior grades they use no milk.

Mr. ALLEN. Anatto is known as the commercial coloring of oleomargarine?

Mr. GROUT. Yes, sir.

Mr. ALLEN. If that be true, would not the passage of that bill tax all of that out of existence?

Mr. GROUT. I do not understand so.

Mr. ALLEN. You think it would tax out the highly colored?

Mr. GROUT. Yes. We want to tax this color out of it so it can not go forward and commit frauds.

Mr. ALLEN. Here is my position, and I am frank in stating it: I am entirely and absolutely opposed to fraud in the sale of oleomargarine, and I know it is practiced now. I am for some method that will prevent it, but in my opinion your bill will not do it.

The CHAIRMAN. Those of us who favored the minority report of this committee have been attacked as enemies of agriculture, and I think the point of Mr. Allen is well taken, that you should explain it.

Mr. GROUT. Explain what?

Mr. ALLEN. I would like to know if it is conceded——

Mr. GROUT. It is not conceded at all.

Mr. ALLEN (continuing). That milk is an ingredient of oleomargarine.

Mr. GROUT. No.

Mr. ALLEN. Put it hypothetically, then. Will not this bill, if it is passed, exclude the manufacture of oleomargarine, known as uncolored oleomargarine, in which milk is used as an ingredient?

Mr. GROUT. Let me answer you at length, and it will take a moment perhaps in explanation. I said a moment ago that the only reason why the oleomargarine folks put milk into this stuff, into oleomargarine, is to make it taste and smell like butter. Now, keep that in mind. The only reason they will put milk into the article which you call uncolored is to make it smell and taste a little like butter. With that milk in it they can make it appear like winter butter, and they will be able to sell it for butter—for winter butter. That is the answer to the whole business. I am not in favor of allowing them to do that. Here is where the whole thing hinges, so far as this bill is concerned, aside from the first section; it is to make certain and beyond all question our tax on the colored article so it can not deceive as butter.

If by putting milk and cream in in a considerable quantity, or a little quantity, they give this color of butter, let them pay their 10 cents tax; because if it carries the color of butter, no matter in what small degree, they are still equipped with the means of cheating. So I say that is what we want the tax on, and we do not want any limitation on it; we do not want to say "yellow butter." I tell you, my friends, that this bill, just as your Uncle Dudley drew it, will cover this question and will accomplish the result, if it can be accomplished at all. The gentleman says he doubts if it will accomplish it. I do not know that it will. We are frequently deceived as to the effect of legislation; we never can quite tell how the people will receive it.

We have to have a knowledge of their innermost thoughts and of the temptation that may arise, as to the methods of the law and the methods of avoiding it, and the development of some new sentiment,

and we never can quite forecast the result of a law; I will agree to that. But I do believe that if there is a 10-cent tax put upon this stuff when it is colored like butter, as the court says—and you may put that language in the second section, if you choose—I have said “in imitation of butter,” but you may use the language of the court on which they made this distinction in this Plumley case—“to look like butter”—and then let them pay that 10-cent tax, whether the coloring be much or little, and if you do not stand on that I would not give a rush for this law. I want to go on record as saying so to you gentlemen here, and I am on record. I would not give anything for it if you do not put that in.

Mr. ALLEN. You said that, in your opinion, the imposition of this tax on the yellow oleomargarine would exclude it from being manufactured. Now then, again, the imposition of the tax on the so-called white oleomargarine—

Mr. GROUT. But it is not white oleomargarine.

Mr. ALLEN (continuing). Which is colored by the use of milk would have the same effect—to exclude it?

Mr. GROUT. Yes, that is colored like butter. If it was colored like butter so that under any circumstances it would pass for butter, it would exclude it; that is my doctrine.

Mr. ALLEN. Then you say that all that was left would be a white, tasteless grease?

Mr. GROUT. Yes; I did not say tasteless.

Mr. ALLEN. White stuff?

Mr. GROUT. Yes; it is a dead grease taste.

Mr. ALLEN. In your opinion will the demand for that be so small that the oleomargarine industry will have to fall entirely?

Mr. GROUT. I do not know. I would say I presume not, and I will tell you why. As the man over in Baltimore said last winter, in reporting to his city what he had learned with reference to the care of garbage, he said he had seen a kind of oil extracted from the garbage, and upon inquiry they said it went to the oleomargarine factory, which may or may not be true, and notwithstanding grease in every form may go to the oleomargarine factory, yet I believe when that stuff comes out it is chemically pure. I believe that bacteria and microbes and germs of every kind are destroyed because of the great heat they are subjected to and because of the chemical processes it is put through. It is no doubt chemically pure. Now, they say, it is nutritious. It is nutritious; it is the soft grease of the hog and the soft grease of the beef, along with cotton-seed oil, all of which are nutritious. Then there is some stearin which, while nutritious, is indigestible. But altogether it forms a compound that nobody can say is not nutritious.

There may be poor men who can buy that who can not afford to buy butter, and they ought to buy it for 10 cents a pound. That stuff ought to be furnished to the poor people who want it for 10 cents a pound or less, and still there ought to be a profit in it. I am not going to say that the lumbermen, or the miners who work hard and who perspire profusely, carrying off the waste of the system, whose stomachs are able to digest that—although it is not as digestible as butter, that is a mistake, and I will prove that—I am not going to say that they could not buy it at that low price, and they ought to be able to buy it and nobody objects to that; but that stuff should not be colored to imitate butter, so that a fraud will be committed.

Mr. SCOTT. You ask for the passage of this bill, then, to prevent the fraudulent sale of oleomargarine for butter?

Mr. GROUT. Exactly.

Mr. SCOTT. If it could be made clear to you that the passage of this act would not interfere in any way to limit or restrict the sale of oleomargarine, that just as much would be manufactured as is manufactured now, not sold for butter, but sold as oleomargarine, would you still insist upon the passage of this bill?

Mr. GROUT. Yes, sir; I am not going to object if they have an opportunity to furnish this cheap product to those who can digest it, the workmen who want it; I do not object to that at all. The bill was framed with that view especially in mind; that was the idea I had when I reduced the tax from 2 cents to one-quarter of 1 cent a pound.

There is one thing my colleague spoke to me about yesterday which I wish to refer to. He spoke about the live-stock industry.

My friends, the live-stock industry of this country want this bill, if they understand the matter aright. They ought to be in favor of it. The live-stock association is not on record that way, but they were filled up with the idea that it would make \$2 difference in the price of their steers. Swift & Co. issued circulars on this subject, in which it was asserted that it made a difference of 50 cents on the price of every hog, whether this business was wiped out or not. But the fact is, upon a careful computation of the amount of oleo oil produced that comes from the steer, coupled with the number of animals slaughtered, which could be easily calculated upon, it would make less than 20 cents difference in each animal. When you come to the hogs it would make only 4 or 5 cents difference, provided the stuff which goes into oleomargarine—the oleo oil and neutral oil—were destroyed entirely. But there would still be a market for it.

It would take, my friends, 750,000 cows to make the butter that is now sold of which oleomargarine takes the place to-day. Seven hundred fifty thousand cows produce 100,000,000 pounds of butter, and, at 150 pounds to the cow, which is a fair average, there being an immediate demand, and there is one-ninth of the whole product, which is really oleomargarine, one-ninth of all that flows into the channels of trade as butter is oleomargarine. If that were stopped it would make a demand for those cows. Would it not help the price, not only of dairy stock but the price of steers? because the cows would not be led to slaughter then—they would be wanted for the dairy. Live-stock interests everywhere really want this bill. It is to their interest to want it, aside from the question of fairness in the matter.

Mr. HASKINS. There is one answer I would make to it. I think that war in this country and in other countries always enhances the prices of stock.

Mr. GROUT. Oh, yes; our Cuban war helped it. The price of hogs and horses and everything of the four-footed kind. Cattle and hogs to feed the army and horses to outfit the establishment all go up in the time of war. That accounts for the high price lately of stock.

Mr. NEVILLE. Does the gentleman believe that the cow who produces the steer will produce as much milk—

Mr. GROUT. Why not?

Mr. NEVILLE. Ordinarily the cow that produces the steer suckles the steer.

Mr. GROUT. That is so on the ranges, but not in New England.

We take that cow off from that in two or three days and give the skimmed milk to the steer.

The CHAIRMAN. And make him believe it is good milk?

Mr. GROUT. He makes a good steer. That is what we do up there. We have Jerseys and Holsteins and Shorthorns.

Mr. ALLEN. Is not the Jersey your best dairy breed?

Mr. GROUT. Yes; the best for butter. Not the best for cheese.

Mr. ALLEN. Are they not unfit for market beef?

Mr. GROUT. No; they do not make as large a piece of beef as the Shorthorn, but I would rather have a piece of Jersey beef than Holstein any time. They are not the ideal beef animal, that is true; but they go for beef. We have a great many Jerseys and we have a great many valuable Shorthorn herds, and we have, as has been said, Holstein herds. In fact, the man at the head of the Holstein establishment lives in our State.

Mr. ALLEN. In our country we do not feed the Jersey cattle for market beef.

Mr. GROUT. But you do not make much butter?

Mr. ALLEN. We make a whole lot of beef, though.

Mr. GROUT. Yes.

Mr. DAHLE. Do you not think it is almost a similar case to oleomargarine; if you want Jersey beef you ought to have the right to call for it?

Mr. GROUT. Yes; that illustrates the question of personal rights.

Mr. DAHLE. How would you like to have all this Western beef tagged?

The CHAIRMAN. Tag it "Texas" and "Colorado," and so forth?

Mr. GROUT. Yes; I should be willing for you to do that. I think it ought to be known that this is long horn, lean, gaunt Texas beef, and the cut, when you put your knife in it, will reveal that fact.

The CHAIRMAN. Using the expression "yellow butter," I find that is the law in Colorado, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Tennessee, Wisconsin, Washington, and Virginia; they all use the words "yellow butter" in their laws.

Mr. GROUT. Very likely, sir, but that is no argument in favor of it. That is an argument *ad hominem*; it does not get to the vitals of the case.

The CHAIRMAN. I do not know but what the question has been legally tested in those States.

Mr. GROUT. No; I do not think so.

The CHAIRMAN. In Wisconsin and New Hampshire it has been.

Mr. GROUT. Yes; but I am reasoning from the nature of things. You are discerning men, every one of you. You can see how, if you introduce that word, you place a limitation up to which the court may hold the oleomargarine manufacturer may go with his coloring, either with annatto or the stuff he chooses to use in manufacturing, or anything inhering in it, and the moment that is done and he crosses the line there is no safety; you want to stop him right there, you want to have no color in it at all which shall resemble butter, which shall be an imitation of butter, and then you have done your work.

Mr. HASKINS. Is there any limitation to the color yellow?

Mr. GROUT. To be sure, but here is the point: The court will say, Why did they put in "yellow butter?" They must have known butter was yellow. Why did Congress put in the word "yellow?" "Wh

have they used the word 'yellow'?" It is yellow butter. "That can not mean this kind of butter, that is only a little yellow, a trifling yellow, else why did they use the word?" They would have said straight, "colored," the lawyer on the other side will argue, and he will get the court to agree with him if he can. He will say they could not refer to that; it must refer to butter more highly colored.

Mr. SMITH. It is like saying "clear water."

Mr. GROUT. Water might be muddy, but butter is always yellow; the world knows it to be yellow and no other color; everybody knows it. You have a superfluous word there. Here is what the court will say: "Those fellows, when they made that law, did not draw a nice point on that; did not discriminate, and put this word in because butter is yellow," and they may let you out that way. But it opens the avenue for a serious question.

Mr. MOODY. Your idea is that the bill should be made "in imitation of butter."

Mr. GROUT. Exactly—no; made "colored like butter."

Mr. MOODY. That is what I mean; made like butter or colored like butter. That is the word that has its own natural meaning with all people. But the word "yellow" butter would be more particularly a class or kind of butter?

Mr. GROUT. That is it exactly. The courts would say, if we used this word, "they meant to refer to a kind of butter," because all butter carries at least a little yellow. There never was a cow who gave milk, however poor she may have been fed, that was a pure white.

The CHAIRMAN. Look at that butter before you. Is there any appearance of yellow there?

Mr. GROUT. Yes; that is a good straight color, not dead white by a long shot. This was made a little time since [referring to another sample] and has stood longer and that gives it a greater color. This sample [referring to the first sample], if it stood for the same time, would be as yellow as this second sample.

Mr. HASKINS. "Colored in imitation of butter" would imply that some coloring substance was put in?

Mr. GROUT. Not necessarily.

Mr. HASKINS. If you used the words "colored in imitation of butter," would that not imply that some foreign coloring substance had been put in it?

Mr. GROUT. Not necessarily.

Mr. HASKINS. Milk or cream might give it a color.

Mr. GROUT. No; not necessarily. That does not refer at all to artificial coloring.

Now, unless there is some question—and if there is some question I would be very glad to answer it—I think I have detained you long enough, and I will not detain you longer.

The CHAIRMAN. We visited the oleomargarine factory outside of Washington the other day, and the committee was very much interested in what we saw there. They showed us very conclusively that cold oleomargarine, if it be put on the market ready to be packed, could be colored by the addition of annatto while in that cold condition. I had supposed that that was not possible, but they gave us the ocular proof that it is possible.

Mr. GROUT. Yes; but was it well colored?

The CHAIRMAN. Yes, I think it was. That was a surprise to me, just as it probably was to the other members of the committee. No doubt the fraud in the sale of oleomargarine is committed by the addition of coloring matter. In view of the fact that we saw it could be colored by the addition of coloring matter, even when the oleomargarine is cool, how is it going to stop the sale of oleomargarine as butter; what is to prevent the dishonest butter dealer, retail or wholesale, or the wholesale or retail oleomargarine dealer, or the dishonest eating-house keeper, or the dishonest hotel keeper, from taking this article home and coloring it himself?

Mr. GROUT. He becomes a manufacturer.

The CHAIRMAN. You think he does?

Mr. GROUT. I think the courts would hold him so, because it was partially completed. It was complete as uncolored before and he gives it another touch and completes it as colored oleomargarine.

The CHAIRMAN. Is there anything to prevent his dishonesty?

Mr. GROUT. No, you have to watch him. It is going to give business to these gentlemen to keep track of these things. If such a man does that he is liable for not having taken out a manufacturer's license.

The CHAIRMAN. He is liable, just as he is now, for perpetrating a fraud, if you catch him; and wherein do you claim that your bill will reduce this fraud to the same extent as the minority bill would reduce it?

Mr. GROUT. That would lead me into a long discussion. I will briefly say that I do not think the minority bill will do it.

The CHAIRMAN. We limit him by the minority bill to selling it in two forms—in pound packages and in 2-pound packages.

Mr. GROUT. Well, that is a very fair question, Mr. Chairman, and I will make a brief reply. I do not think that would protect the consumer and for this reason, that the moment the purchaser, the retailer, receives that stuff what is there to prevent his taking off these packages and the wrappers and putting them into the fire, putting all trace into the fire, and taking these 2-pound packages and pounding them into a tub. He can have it pounded together in a tub, nicely colored, and then when somebody wants butter he simply cuts it out of the tub. That is the easiest thing in the world.

Take the hotel keeper and the restaurant keeper. The oleomargarine comes to him and he slips off the wrappers and the boxes—I believe it has to come in boxes—and he puts them in the fire, takes his big knife and shaves off the stamp (you have it stamped) and uses that part for cooking, and then he puts that oleomargarine on your plate, and there is no trace of its being oleomargarine.

The CHAIRMAN. All of which is a fraud. Now, what prevents him from doing exactly the same thing under your bill?

Mr. GROUT. With simply the addition of the color.

The CHAIRMAN. And a man who is dishonest as to the color would be just as quick about taking off the stamp?

Mr. GROUT. I have the answer ready. In your case he is simply guilty of the fraud, and you will prosecute him for fraud. Under this bill if he does that he must take out his license, for he is liable for not taking out his license, he is liable to a fine of \$1,000 to \$5,000. He can be assessed a 10-cent a pound tax for every pound he sells.

The CHAIRMAN. The same thing exactly——

Mr. GROUT. No, sir.

The CHAIRMAN. We do not take off a single tax.

Mr. GROUT. Ah; but you don't put any tax on the colored article.

The CHAIRMAN. But we don't take any tax off.

Mr. GROUT. And that license that we leave on gives us a chance to follow that colored article and grasp it.

The CHAIRMAN. You take off  $1\frac{1}{2}$  cents, and we take off nothing.

Mr. GROUT. That is why yours is not as good as this. Of course, gentlemen who want the Wadsworth substitute will vote for it. I have shown you how under this bill he is in the jaws of the lion all the time.

The CHAIRMAN. You have not done that; that is the trouble. You have not shown how the fraud would be prevented under your bill any better than it would be under the minority bill.

Mr. GROUT. If he is confronted with these terrible punishments, with these great responsibilities, if he is going to be compelled to pay 10 cents tax on all this stuff he has changed, which this law will provide, if he is liable to a fine of from \$1,000 to \$5,000 for not having taken out his license, don't you see that is something he won't want to run up against? No, sir; he will hesitate before he does it.

Mr. SCOTT. Is he not liable to all those fines except for the violation of the 10-cent tax provision under the Wadsworth substitute?

Mr. GROUT. No. It might make him a manufacturer perhaps, but he would not be liable to the 10-cent tax.

Mr. SCOTT. Then 10-cent tax is the smallest of the penalties, and would not that be more than made up by the penalty imposed for unlawfully breaking a revenue seal?

Mr. GROUT. Yes, sir; but those are straight infractions of a law, and people hesitate before they do that.

Mr. SCOTT. That is it exactly.

The CHAIRMAN. You propose to take a tax of  $1\frac{1}{2}$  cents off. We not only do not take it off, but practically add a tax by forcing them to do it up in the way the minority bill provides; that is, practically putting a tax of  $2\frac{1}{2}$  cents a pound upon this product.

Mr. GROUT. But we are going to have an inspector at the manufacturing establishment, and it is not going out colored. So we will stop it in the inception. We do not let them dress it up as butter and let it go out that way, but your laws allow it to go out with the dress of butter on it, and it will deceive the very elect. That is the difference. This bill will not let it go out.

The CHAIRMAN. As my friend has suggested, where does your bill prevent any fraud?

Mr. GROUT. You can not see it, but I hope a majority will see it. If you do not let it go out in the color of butter then I say it will not cheat. It will not be likely to be passed off as butter.

The CHAIRMAN. One other question: You have a sample of colored butter there. Would you be willing to accept an amendment to prevent that butter being colored?

Mr. GROUT. No; we are not dealing with butter. I am glad you asked that question, because we have a right to give that article its color.

The CHAIRMAN. What color?



Mr. GROUT. Its own color.

The CHAIRMAN. The December color of butter?

Mr. GROUT. In greater degree. It is the proper color of butter. We are not putting on the color of some other article to go out and deceive with; we are only fashioning its own color to meet the tastes of the customers; that is all there is, and there is no fraud in it.

The CHAIRMAN. There is no fraud because the purchaser knows it has been colored, is perfectly aware of it, but don't you know that butter will command 5 or 10 cents a pound less if it is not colored?

Mr. GROUT. No.

The CHAIRMAN. Then you don't know about the butter business, because that is the fact.

Mr. GROUT. I claim I do know about it. Some want butter in the uncolored form; they don't like the color. I am in the butter business myself and know something about it.

The CHAIRMAN. You color every pound you make?

Mr. GROUT. In the summer time we do not color it at all. In the winter time we color it if the customer wants it, but some don't want it.

The CHAIRMAN. That is true of about 5 per cent of the butter.

Mr. GROUT. So those who don't want it colored can get it without any color in it. That is a subterfuge that has no force at all; it does not reach the vitals of this question at all, because it has its own garb all the time.

Mr. SCOTT. I am trying to get some information. You stated a moment ago that if milk or cream was employed in the manufacture of oleo it was done for the purpose of giving it flavor and taste.

Mr. GROUT. Exactly, and some color.

Mr. SCOTT. And therefore it is a necessary ingredient of butterine.

Mr. GROUT. No. It is if you want to serve it up as butter, but if you want to serve it up as the simple grease it is—the grease of the beef and the hog, together with cotton-seed oil—then it is not. If you want to deceive it is essential.

Mr. SCOTT. I understand there is a great deal of difference between grease and butterine. Butterine is manufactured as a food product, and when manufactured for that purpose it is necessary to put in certain ingredients, including milk or cream—

Mr. GROUT. It is when you want to deceive.

Mr. SCOTT. It is when you want to use it as a food product?

Mr. GROUT. No; I beg your pardon; because the grease of the hog is nutritious, and the grease of the beef is nutritious; people eat it.

Mr. SCOTT. Let that be. As a matter of fact, every butterine manufacturer uses a greater or less quantity of milk or cream in his manufacture of butterine?

Mr. GROUT. Yes, sir.

Mr. SCOTT. And the higher grade he wants to produce the more milk and cream he wants to use?

Mr. GROUT. That is it precisely.

Mr. SCOTT. Then it is necessary to use this milk and cream in the manufacture of oleomargarine in order to give it such a taste and flavor as to make it acceptable as a food product; and if the use of this cream or milk imparts the tint of the manufactured product, of necessity, then, is not that tint as much a rightful color of oleomargarine as the tint of butter is a rightful color of butter?

Mr. GROUT. Let me dissent from one of your premises. You say *if* it is necessary to put this into oleomargarine to make it a food product. Your assumption is wrong.

Mr. SCOTT. If you disagree with the premises, then, all right.

Mr. GROUT. It is a wholesome food product without that coloring, without any milk in it.

Mr. SCOTT. I only went on that assumption because I understood you to say a moment ago that oleomargarine was only a tasteless grease.

Mr. GROUT. No, not tasteless.

Mr. SCOTT. Not suitable for food.

Mr. GROUT. I said it had the dead taste of grease. I did not say tasteless. Oh, yes, if you are going to fix it up so you can work it up as butter, you want to put some milk in it, but if it goes for what it is you do not need any milk. It is nutritious just the same.

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#### STATEMENT OF MR. E. B. NORRIS,

*Master of the State Grange of New York.*

Mr. NORRIS. Mr. Chairman and gentlemen, I do not propose to take up but very little time here, for the reason, it seems to me, the details of this bill and the provisions and everything regarding it have been hashed over now in the two years you have had this question before you, and it seems to me now it has sized right down to this point.

All we object to in regard to oleomargarine is that it is manufactured in the garb of butter. Our association has taken an active position in the matter, and we believe we should stand for the taxing of oleomargarine in the form of butter. We believe in taxing the fraud, you might say; that is about all there is to it. Our organization in our State has taken very active grounds against its sales, in conjunction with the national organization, and we believe that this is the defense of the great butter interests. I am speaking now of the State of New York. Of course, I know that the chairman of your committee here is a resident of the State of New York, and I want to say one word before I go any further upon a somewhat personal question. I have been quoted as saying in public, in a public way, as throwing out that the chairman of this honorable committee had been influenced to stoop to disreputable methods in taking the position that he has in regard to the dairy interests of the State of New York and the position that he occupies on this oleomargarine bill. I want to say to you, Mr. Chairman, and to this committee, that I deny any such charge, that I have always held that the chairman of this committee is an honorable man, that he stands so before his constituency and before the people of the State of New York, and that there is not one single iota or scintilla of truth in regard to what I have been quoted as having said casting any reflection on the honesty of Congressman Wadsworth of the State of New York—not in the least. But I want to say this: That we differ with him on this position, and the dairy interest is a very large interest in the State of New York, probably one of the largest interests there is. It represents more capital, more wealth, than any other interest in the State of New

York. Notwithstanding that we have a very large horticultural interest—that is a very large interest in our State—the butter interest stands at the head and represents the largest moneyed interest in the State.

As Mr. Jones, the master of the National Grange, has said, we have not a word to say against the manufacture of oleomargarine. We are willing that they should manufacture oleomargarine; but we want them to sell it for what it is and take out of it the garb of fraud in the way of color. We have stood by the Grout bill because we believed this bill has embodied the sentiments of the dairy interests of the country, and we have stood behind it because we believe it is for the best interests of this great dairy class as well as for the best interests of the farming class.

There are a great many small farmers in the State of New York, not exactly dairymen, but who keep a few cows and depend a good deal on the sale of their butter, and if they have to come into competition with a fraudulent article like oleomargarine colored in the shape of butter, of course it takes away some of their profits, and they naturally feel inclined that way. As I have said, we have not a word to say about the sale of oleomargarine or the manufacture of oleomargarine in its uncolored state; we are perfectly willing it should be sold and manufactured. But will it be manufactured and sold for what it is in the uncolored state?

We indorse the bill introduced by Mr. Grout. We believe that that embodies the true sentiments of the dairy interests of our State particularly, and as we have one of the largest dairy interests in the Union, we feel a good deal of interest in this bill, and the Grange has taken an active part in the work and has indorsed it, and the question has been brought up: Which bill shall we indorse; which measure do we prefer? Now, it seems to me, after looking the ground all over carefully—of course I have learned many things since I came here—that the original Grout bill, with these provisions, is just about as good a thing as we can get, and as far as we are concerned we are perfectly willing to stand on that—on the original Grout bill and the provisions therein contained.

Of course I have not time now to talk about many points that have been referred to. You have discussed the tax and the ingredients and all these things, and we have not time to go over them again, but I simply want to express my views here and say that in the interests of the 60,000 members of this order which I represent in the Empire State, and of the farmers and farming interests of the State, that we believe the passage of the Grout bill would be good legislation, would be to the benefit of the great dairy interests of our country. That is about all I have to say.

Mr. HASKINS. What is the amount of the butter product a year in your State?

Mr. NORRIS. I can not answer the question. I have not those figures. It is way up into the hundreds of millions. It is the largest moneyed interest there is in our State. Our legislature since I have been here have appropriated \$100,000 for the prevention of frauds, not particularly oleomargarine, but there is about \$60,000 of that that is set aside to keep oleomargarine out of the State, and I think that perhaps there is no State in the Union that has it down to quite as fine a point as New York. We pretty nearly have them cornered.

The CHAIRMAN. I think only about 200,000 pounds was sold there last year.

Mr. NORRIS. I think that is right. And I want to say that a great deal of that is due to the active management of our board of agriculture.

Mr. GROUT. It is due to the \$60,000 devoted to the work.

Mr. NORRIS. It is a board composed of able men who are vigilant, and they are looking after these things, and through the money that is appropriated they are able to keep down the frauds. I have listened to this gentleman from Kentucky (Mr. Allen), and I want to say that the trouble with Kentucky is they do not have any money appropriated for looking after those things. That is the way we carry out these things. We have recently had introduced into the legislature a bill to protect our horticultural interests from the San Jose scale that is coming in from different States and hurting our orchards, and the orchard interest is a great interest; it is next to the dairy interest; and we have gone to the legislature and asked for a bill and we also have an appropriation set aside to take care that all nursery men will be compelled to fumigate their nursery stock, especially anywhere within the section that this has been discovered.

All nursery stock within 2 miles of where it has been discovered and all nursery stock that is shipped into the State has got to be fumigated. That is the way New York is doing these things. We take this thing right by the horns when it first starts and we throw around it all the things that are necessary to help protect it.

But we believe that this bill as introduced by Mr. GROUT is the proper bill; it is what the dairy interests of our whole State want and what they are working for, and, as you already know from those that have come before this committee representing our State, we believe it meets the requirements, and we think you are making no mistake in favoring that bill and hope that it will pass this committee and pass the House and become a law.

Mr. SCOTT. I understand it to be your statement that so far as New York is concerned, that State is well able to take care of that fraud itself?

Mr. NORRIS. Speaking of it in that light, perhaps we are, but of course if this bill should be allowed to go loose it would make an additional expense for our State.

Mr. JONES. Your people are not willing to be taxed \$60,000 for the purpose of keeping out fraudulent products?

Mr. NORRIS. No, sir; I was coming to that. As vigilant as we are we do not want to be assessed to keep this stuff out from other States where they are selling it promiscuously and have to spend hundreds of thousands of dollars every year to take care of it.

The CHAIRMAN. If the GROUT bill is passed, preventing the coloring of oleomargarine, would that allow it to be sold white in your State—in its natural color?

Mr. NORRIS. There is no law against white, is there?

Mr. GROUT. Is there in any State?

The CHAIRMAN. I say it would permit the sale of white oleomargarine in every State, would it not?

Mr. NORRIS. I should think it would be permitted to sell it in a white state. I do not think, Mr. Chairman, there is any objection to the sale of oleomargarine in the uncolored state; there is certainly not in our State.

The CHAIRMAN. That law would practically break down all the anti-color laws in all the States, then?

Mr. NORRIS. It probably would.

The CHAIRMAN. Do you not think that would be more dangerous to the butter interests than the present competition?

Mr. NORRIS. I think not.

I am very much obliged to you, gentlemen, for this privilege.

(Adjourned.)

### STATEMENT OF CHARLOTTE SMITH,

*President Woman's Industrial and Patriotic League, District of Columbia.*

JANUARY 22, 1902.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE ON AGRICULTURE: I will make a few brief remarks on the subject of oleomargarine. I will not quote statistics or refer to scientists' and physicians' opinions as to oleo as a pure food product. That has all been gone over by the oleo lobbyists and paid attorneys. I will, however, give a few plain facts from an independent industrial woman's standpoint, who represents the consumers of butter, butterine, etc., or more commonly speaking, "cow butter" and "steer butter."

We were threatened one day last week, Mr. Chairman, by the attorney for the oleo and cattlemen's combine, that if there was any more legislation enacted to restrict the manufacture of oleo oil, that not only a panic, but a revolution would follow. He also stated before this committee that there is \$200,000,000 invested in the industry of oleo in this country.

Mr. Chairman and gentlemen of the committee, I appear before you to represent the industrial women, who are largely the purchasers as well as the consumers of butter or butterine. Women are far in excess of men in all but five States of this Union; therefore, there is a large surplus population of women over men in this country. There are nearly 4,000,000 self-supporting women who have no voice in the enacting of laws in State or national legislatures, and yet 84 per cent of all the wealth of the nation is created by women in light manufacturing industries. Notwithstanding this, they are helpless spectators looking on at unjust laws being enacted in legislative halls.

Not until man became a butter manufacturer was imitation of butter placed upon the market. Butterine was unknown to women who are generally honest and opposed to adulterated food products.

The pretty dairy maid is a creature of the past. Man, the adulterator of food products, has usurped the place once occupied by women who made pure butter for the markets of the world. Behold the result of man's butter-making. We are a nation of dyspeptics because of the poisonous compounds used and forced upon the market. There was a time in the history of our country when it was the pride of every woman to be a good housekeeper, and the farmers' daughters must be good butter makers, that they might make eligible matches. But this is all a thing of the past.

The offal of swine and steer has largely taken the place of butter upon the markets. This material, which women formerly used for the manufacture of soap, is now utilized into a so-called butter

product, and backed up by paid scientists, attorneys, and lobbyists, as well as a subsidized press, and therefore the unsuspecting consumer is imposed upon by purchasing butterine in place of creamery butter made by women.

Therefore, the decline in pure butter products has also affected the matrimonial market, for matrimony has declined 60 per cent in the States of New York and Massachusetts alone by bachelors who are able to maintain and support wives and families. Thirty-two per cent of the nonmarrying men reside in the country and rural districts. I attribute this decrease in matrimony by farmers largely because women are no longer a necessary adjunct to the farmer lads to help them create wealth, owing to the existence of the oleo-cotton-oil-soap-fat combine, which has thus deprived many women and girls of legal providers, and 40,000,000 people of pure cow butter in this country alone.

Mr. Chairman and gentlemen of the Committee on Agriculture, I solemnly protest against this "steer-butter" product as a competitor of pure butter. Greater restrictions should be placed upon the oleo combine, for the success of the combine is in deceiving the general public by substituting the butterine product for pure butter. The oleo manufacturers can procure all the letters from the scientists of the world and testimony of the medical men of the globe on the purity of the article as a health preserver, if they pay for it, which they do. But a steer is a steer, and the products made from the steer will never make butter, notwithstanding all the fancy labels in the market placed upon it—labeling it as a pure, inoffensive article of production. Therefore, gentlemen, in behalf of the industrial women of the country, who are wealth producers as well as consumers, and those who have no legal providers to represent them in the enacting of laws whereby they are deceived in purchasing oleomargarine for butter, and because of false representations made by dealers and its being used by boarding-house keepers, hotels, restaurants, and eating houses I now make protest. Congress should protect these unsuspecting consumers.

Mr. Chairman and gentlemen of the committee, let oleo stand on its merits, label it as such, use no coloring matter in the manufacture of the oleo product so that it can not deceive the consumer. But mark me, it will take an army of inspectors as large as that of the United States in the Philippines to keep the butterine manufacturers as "pure-butter" imitators out of the market. For they have a vast army of lobbyists to promote the oleo industry during every session of Congress, for the success of this product is in false representation.

I desire to state, gentlemen, that I was the first woman in this country to take up this subject and agitate the lost cause of the cow before Congress. I have made a bitter fight for years against the oleo industry, and I do not own a heifer, much less a cow; nor have I any interest in a cow except in the direction of pure food products, and I am conceited enough to think that it was largely through my efforts that the oleo manufacturers were compelled to label it even as they have. Then ex-Senator Warner Miller, of New York, was chairman of the Committee on Agriculture. I literally carpeted every State with petitions, memorials, etc., thus to head off the multimillionaires who pay their female employees starvation wages and receive such big dividends from the sale of the offals of the steer and swine, cotton-seed

oil, etc., which is manufactured into so-called "pure scientific butter," wherein the actual cost of this "pure butter" is from 5 to 8 cents per pound. Therefore, it should not be sold for over 10 cents per pound. This oleo product would then net the oleomargarine manufacturers a profit of 50 per cent.

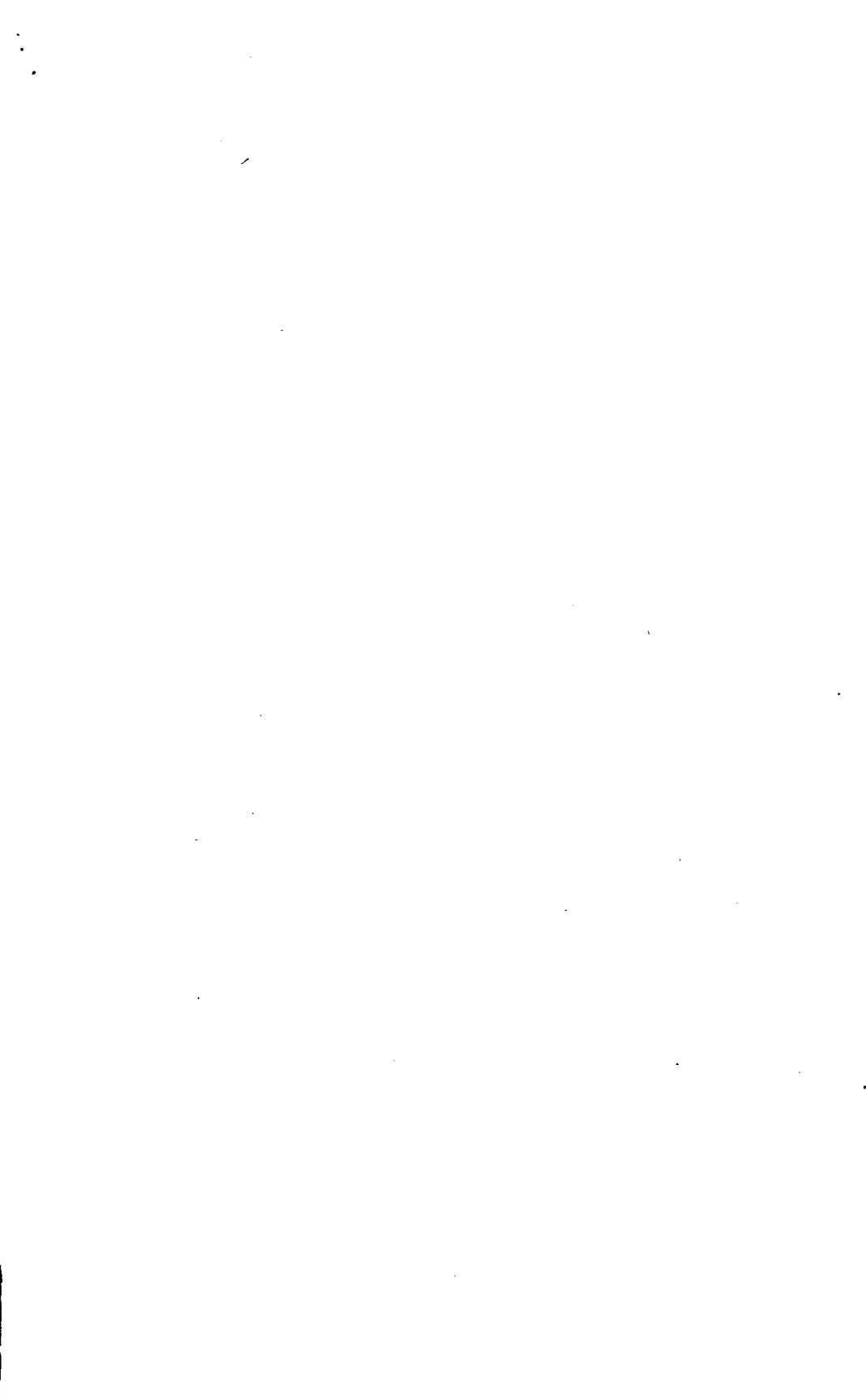
Gentlemen, in conclusion, I have this suggestion to make: Compel the manufacturers to label all oleo on the market as such, compel boarding-house, restaurant, hotel, and eating-house keepers to label all placed on their tables as oleo, for those who prefer the "scientific, healthful, pure white butter" product can purchase and eat it at 8 or 10 cents per pound. Let those who desire to eat and pay the market price for pure cow butter have what they want and are willing to pay for, though it costs 50 cents per pound. But, gentlemen, suppress "steer-butter" imposition, allow no coloring matter to be used in the manufacture of the same, place it upon the market in all its "purity." It looks as well. Not until then will the matrimonial market again open up, for the farmers' daughters are crowding out the city and town girls because of being compelled to flock to the large cities for employment and in search of husbands. If such a law was passed it would keep those at home who desire to become farmers' wives, and would encourage women and girls to become expert butter makers, and thereby make happy homes.

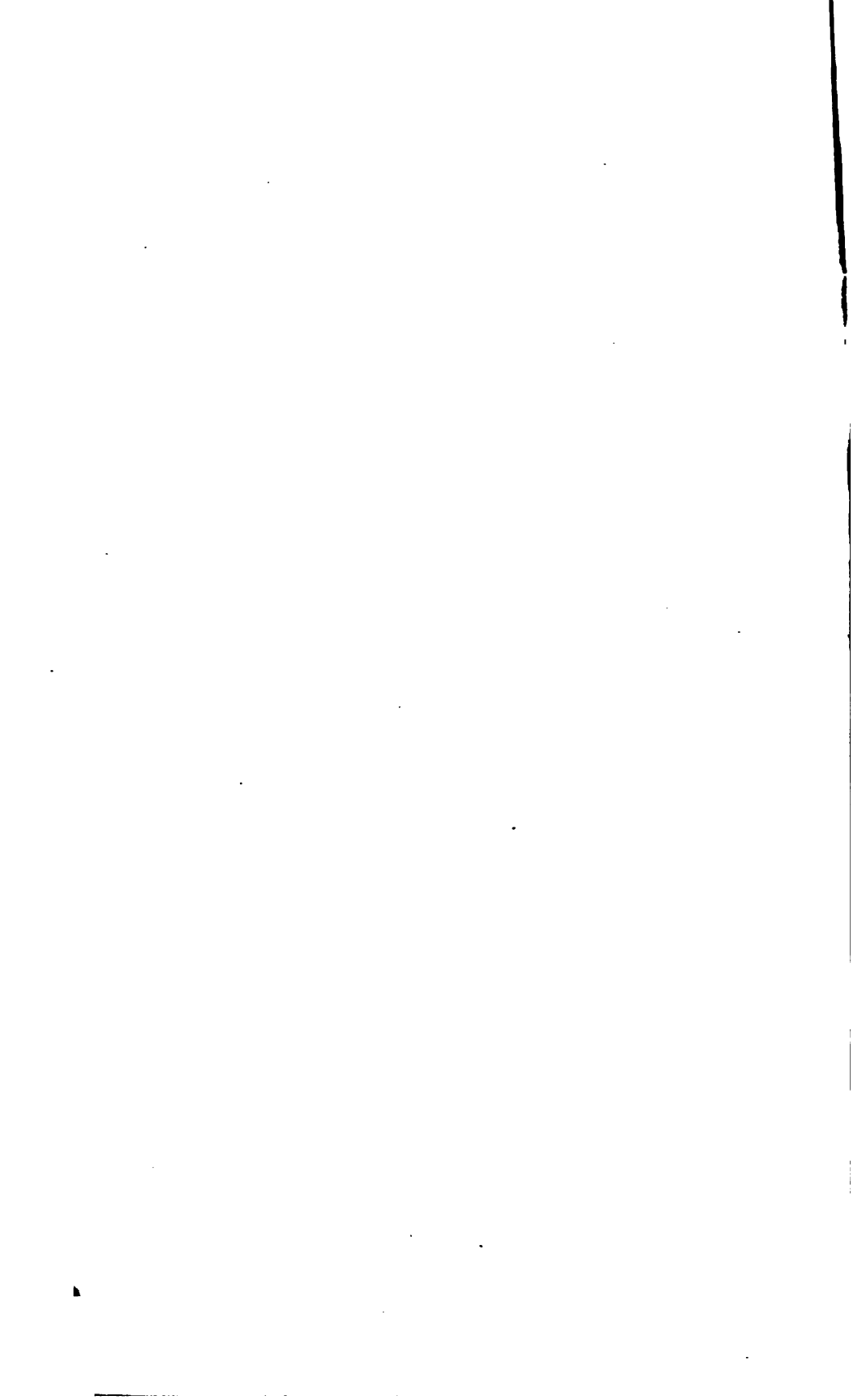
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